

## ELIGIBILITY FOR OPWDD SERVICES

### **Important Facts – October 2, 2012**

(Replaces August 2010 version)

OPWDD, through its local Developmental Disabilities Regional Offices (DDROs), determines whether a person has a developmental disability and is eligible for OPWDD-funded services. This Fact Sheet explains the Three-Step Eligibility Determination Process and describes the type of information OPWDD needs to make an eligibility determination of developmental disability.

**Please note** that even when someone is determined to have a developmental disability, the person may not be eligible for all OPWDD-funded services. Some OPWDD-funded services require additional reviews that are not described in this fact sheet.

### **ELIGIBILITY DETERMINATION PROCESS**

#### **Eligibility Request**

The **Transmittal for Determination of Developmental Disability Form** <http://www.opwdd.ny.gov/node/1018> must accompany all requests sent to the DDRO for eligibility determinations. The **Required Documents** described on page 2 of this Fact Sheet must also be included as part of the eligibility request. Eligibility requests and records are sent to the Eligibility Coordinator of the DDRO for the county where the applicant lives. A list of the **Eligibility Coordinators** at each of the five DDROs can be found at <http://www.opwdd.ny.gov/node/1022>.

#### **Three-Step Review Process**

The process for determining eligibility may involve multiple review steps, and is designed to make sure that every person receives a fair and thorough review.

##### **1<sup>st</sup> Step Review**

At the First Step, DDRO staff review the eligibility request to make sure it is complete. After this first review, the DDRO notifies the person in writing that:

- (a) Eligibility or Provisional Eligibility has been confirmed; or
- (b) The request is incomplete and requires additional documentation; or
- (c) The request is being forwarded for a Second Step Review

##### **2<sup>nd</sup> Step Review**

If the Eligibility Request is forwarded for a Second Step Review, a committee of DDRO clinicians evaluates the request. They also review any additional information that has been provided by the person. The person will be notified in writing if the committee requires more information, the specific type of information required, and the deadline date for the DDRO to receive the requested information.

When the Second Step Review is complete, the DDRO will send the person a written notice of the determination. If the committee determines that the person *does not* have a developmental disability, the person is *ineligible* for OPWDD services. The written notice will give the reason for the decision, and will also offer the person options to:

- (a) Meet with the DDRO staff to discuss the determination and the documentation reviewed; and
- (b) Request a Third Step Review; and
- (c) Request a Medicaid Fair Hearing (if Medicaid-funded services had been sought)

The person may choose any or all of these options. If a Fair Hearing is requested, a Third Step Review will happen automatically.

**Please note** that a Notice of Decision offering a Fair Hearing is sent only if the person has requested Medicaid-funded services on the **Transmittal for Determination of Developmental Disability Form**.

##### **3<sup>rd</sup> Step Review**

Third Step Reviews are done by an independent Eligibility Review Committee of licensed practitioners not involved in the First and Second Step Reviews. The committee reviews the eligibility request and provides recommendations to the DDRO Second Step Review coordinator. The Third Step recommendations are considered by the DDRO Director (or designee) and the person is informed of the results, including any changes in the DDRO's determination.

Third Step Reviews are completed before the Fair Hearing date.

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### **REQUIRED DOCUMENTS FOR ELIGIBILITY DETERMINATION REQUESTS**

The DDRO will need this information to determine if a person is eligible for OPWDD services:

- A psychological report which includes an assessment of intellectual functioning (“IQ test”). This report should include all summary scores from the assessment (Full Scale, Index, Part and Subtest scores). *For people with IQ scores above 60*, an interpretive report of a standardized assessment of adaptive behavior, including summary, composite, scale, and domain scores, is required. *For people with IQ scores below 60*, an adaptive assessment may be based on an interpretive report using information gathered from interviews with caregivers, records review, and direct observations.
- For conditions other than Intellectual Disability, a medical or specialty report that includes health status and diagnostic findings to support the diagnosis. If available, a recent general medical report should be included in all eligibility requests.
- A social/developmental history, psychosocial report or other report that shows that the person became disabled before age 22. This is required for all eligibility requests.

In some cases, the DDRO may require additional information to determine eligibility. The DDRO may request additional information or further evaluation, and may either recommend where additional assessments may be done or arrange for them to be done.

#### **Acceptable Measures of Intellectual and Adaptive Behavior**

**Please note:** it is expected that current/updated evaluations of intellectual or adaptive functioning are based on the most recent editions of the standardized instrument used. Please refer to the October 17, 2008 and April 26, 2010 memos [http://www.opwdd.ny.gov/opwdd\\_services\\_supports/eligibility](http://www.opwdd.ny.gov/opwdd_services_supports/eligibility) for more information.

#### ***Any of these measures of intellectual functioning are accepted\*:***

- The Wechsler series of Intelligence Scales
- The Stanford-Binet Scales
- Leiter International Performance Scale
- The Kaufman series of Intelligence scales

\*Other intelligence tests *may* be acceptable if they are comprehensive, structured, standardized, and have up-to-date general population norms

- Brief or partial administration of comprehensive intellectual measures may only be used in circumstances where standardized administration is *impossible*
- Abbreviated measures of intelligence (WASI, K-BIT) are not acceptable as the only measure of intellectual functioning
- Language-free instruments (Leiter, CTONI) in combination with the Performance items of a comprehensive IQ test will be considered for individuals who do not speak English, or are deaf, or are non-verbal
- Intelligence tests standardized in English cannot be administered in a different language for testings reviewed for eligibility determinations

#### ***Any of these measures of adaptive behavior are accepted for current evaluations\*:***

- Adaptive Behavior Assessment System
- Vineland Adaptive Behavior Scales
- The Motor Skills Domain *only* of the Scales of Independent Behavior
- Other adaptive behavior measures are acceptable if they are comprehensive, structured, standardized and have up-to-date general population norms. Results from an instrument that is not on this list, but was given prior to the person reaching age 22, can be used to establish a past history of adaptive deficits during the developmental period.

Adaptive behavior measure ratings should reflect the person’s actual, **typical** behavior, not their best behavior under ideal circumstances, or behaviors they can complete only with assistance.

Adaptive behavior measures should only be given by professionals trained in their use, following the standards described in each instrument’s manual.