

## **POLICY: ELIGIBILITY AND ICF/ID-DD LEVEL OF CARE DETERMINATION FOR DEVELOPMENTAL DISABILITY SERVICES**

1. **POLICY STATEMENT:** It is the responsibility of the Bureau of Developmental Disabilities Services to determine Eligibility for services under the State definition of developmental disability (Eligibility) and Intermediate Care for the Intellectually Disabled and Developmentally Disabled (ICF/ID-DD) Level of Care (LOC) for services for persons with a developmental disability using the state and federal criteria. It is the policy of BDDS to assure that criteria are uniformly applied in the process of Eligibility and ICF/ID-DD LOC determination. To be considered eligible for services for persons with a developmental disability, it must be determined that the individual has a severe, chronic disability as defined in IC 12-7-2-61(a), and that the individual meets the standards for ICF/ID-DD LOC defined in 42 CFR §435.1009.

### **DETAILED POLICY STATEMENT**

1. Application packets for services may be obtained or requested from local BDDS offices.
2. Individuals must gather any collateral information required for Eligibility and ICF/ID-DD LOC determination that they may have in their possession or are able to secure on their own. Collateral must be returned with the completed application or brought to the meeting with BDDS staff. Individuals must also apply for Indiana Medicaid and be Indiana Medicaid eligible to receive services.
3. Information needed to determine Eligibility and ICF/ID-DD may include, but is not limited to:
  - a. a psychological assessment that provides a current and valid description of the individual's intellectual functioning;
  - b. sufficient information regarding the individual's adaptive/functional capacity;
  - c. Individualized Education Program and educational case notes; and
  - d. information to determine age of onset of the eligible condition.
4. In situations where collateral is unavailable or insufficient to determine Eligibility and ICF/ID-DD LOC, BDDS shall authorize assessments as determined appropriate by the BDDS District Manager.
5. BDDS staff will conduct an interview with the applicant, family, and/or legal representative, as appropriate, and BDDS staff will discuss service options.
6. BDDS shall first identify the presence of a mental impairment or physical impairment (other than a sole diagnosis of mental illness) as diagnosed by a physician, psychologist, or psychiatrist which shall be noted on the 450b confirmation of diagnosis form. Mental and physical impairments may include, but are not limited to, diagnoses such as:
  - a. mental retardation;
  - b. borderline intelligence (IQ between 70-84);
  - c. epilepsy;
  - d. cerebral palsy;

- e. Autism Spectrum Disorder; and
- f. other neurological brain disorders including Traumatic Brain Injuries.

Note: Substantial deficits in functional behavior must be clinically judged to be indicative of a condition similar to that of an intellectual disability and not primarily attributable to mental illness. The presence of mental illness can exacerbate the functional limitations of a person with a developmental disability.

7. BDDS shall identify that the age of onset of the impairment is prior to age twenty-two (22).
8. The impairment must be expected to continue without a foreseeable end. For example, if the impairment has a discrete, identifiable course of action (such as orthopedic injury, disease, or condition secondary to an injury), the expected duration would not be considered indefinite, and this criteria shall not be considered to be met.
9. BDDS shall review all collateral and determine whether substantial functional limitations are present in three (3) of the following areas of major life activity:
  - a. self-care;
  - b. understanding and use of language;
  - c. learning;
  - d. mobility;
  - e. self-direction;
  - f. capacity for independent living; and
10. If the individual has substantial functional limitations in two (2) of the areas of major life activity listed above as well as in the area of economic self-sufficiency, the individual may be eligible for other state funded services. State funded services are subject to the availability of State funds.
11. BDDS shall provide a copy of the determination letter to the individual and/or the individual's legal representative. This also includes appeal rights and information should the individual wish to appeal the decision.
12. Individuals who have been determined eligible under the State definition of developmental disability but who do not meet ICF/ID-DD LOC may not be placed on the waiting list for the Developmental Disability, Autism, or Support Services waivers or referred for supervised group living.
13. ICF/ID-DD LOC and Eligibility are reviewed annually.

## **DEFINITIONS**

“BDDS” means Bureau of Developmental Disabilities Services as created under IC 12-11-1.1-1.

“BDDS assessment tools” mean tools that may include but are not limited to the Development Disabilities Profile, the Level of Care Screening Tool, and the Inventory for Client and Agency Planning.

“Capacity for independent living” means the capacity to effectively plan and engage in routine activities of daily living in each of the individual's usual environments in a manner appropriate to age, person, place, and setting.

“Collateral information” means any probative information supplied by the applicant to determine whether the individual is eligible for services.

“Economic self-sufficiency” means an individual’s ability to perform tasks necessary for regular employment without assistance from another person. For an adult, a substantial functional limitation exists when he/she requires assistance to obtain and/or maintain employment. For a child, a substantial functional limitation exists when he/she is unable to recognize the value of money, maintain attention to tasks, and follow instructions. This child requires more assistance to perform these activities than a typical child of the same age.

1. Criteria for adults: The adult individual must not have the financial means to meet basic living, and one (1) of the following criteria must be met: due to the impairment(s) above, the individual requires assistance from another person to obtain or maintain employment.
2. Criteria for children ages six (6) through seventeen (17): At least one (1) or more criteria must be met. Due to the impairments(s) above, the individual, as age-appropriate: 1) has a significant inability to recognize the purpose of money; 2) is unable to follow one or two-step instructions; or 3) is unable to maintain attention to tasks.

“Eligibility” specifically refers to eligibility for services under the State definition of developmental disability. Please see “State definition of developmental disability” below for the requirements.

“Eligible” means an administrative status in which it has been determined and documented by an employee of DDRS that an individual meets certain criteria.

“ICF/ID-DD Level of Care” as defined in 42 CFR §435.1009 means a person must have a disability that is attributable to:

1. mental retardation, epilepsy, cerebral palsy, or a condition (other than mental illness) similar to mental retardation that results in impairment of functioning similar to that of a person who is mentally retarded;
2. manifests before the person is twenty-two (22) years of age;
3. is likely to continue indefinitely; and
4. constitutes a substantial disability to the person's ability to function normally in society due to substantial functional limitations in three (3) of the six (6) areas major life activity:
  - a. self-care;
  - b. understanding and use of language;
  - c. learning;
  - d. mobility;
  - e. self-direction; and
  - f. capacity for independent living.

“Indefinitely” means having persisted for at least twelve (12) months and/or expected to continue to persist for an indefinite period of time.

“Learning” means the ability to acquire, retain, and modify basic functional skills and information that are appropriate to age, person, place and setting.

“Mental impairment” means an impairment characterized by sub-average intelligence (an IQ between 70-84) with accompanying substantial impairments in adaptive functioning.

“Mobility” means the ability to engage in purposeful and self-directed movement within each of the individual’s usual environments in a manner appropriate to age, person, place, and setting.

“Physical impairment” means a physiological condition, including neurological impairments, that has been diagnosed by a licensed physician and is characterized by manifestations of organic brain damage, sensory disorders, and seizures or the capacity to function in exertional and non-exertional activities such as walking and manipulating.

“Self-care” means the ability to perform basic activities such as eating, toileting, bathing, dressing/undressing, and grooming in the individual’s usual living environment in a manner appropriate to age, person, place and setting.

“Self-direction” means the ability to make and follow through with decisions of major consequence and significance to the individual, using the capacity to exercise judgment, set realistic goals, initiate common activities, plan and execute related actions, complete tasks, seek assistance when needed, and evaluate results in a manner, appropriate to age, person, place and setting.

“State definition of a developmental disability” means a severe, chronic disability of an individual that meets all of the following conditions:

1. Is attributable to:
  - A. intellectual disability, cerebral palsy, epilepsy, or autism; or
  - B. any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability.
2. Is manifested before the individual is twenty-two (22) years of age.
3. Is likely to continue indefinitely.
4. Results in substantial functional limitations in at least three (3) of the following areas of major life activities:
  - A. Self-care.
  - B. Understanding and use of language.
  - C. Learning.
  - D. Mobility.
  - E. Self-direction.
  - F. Capacity for independent living.
  - G. Economic self-sufficiency.

“State funded services” means a funding source for services authorized by DDDS using 100% state

dollars obligated, within available resources, to support adult individuals who have been determined eligible for developmental disabilities services by BDDS when all other possible resources, including Medicaid, are unavailable.

“Substantial functional limitation” means a serious deficit in adaptive behavior that results in the inability to meet standards of personal independence and social responsibility to the extent that the individual requires aid from another in the form of physical guidance, verbal, visual, gestured, or physical prompts to initiate, sustain, or complete a task. Refusal to comply with a prompt does not constitute a substantial functional limitation.

“Understanding and use of language” means the ability to effectively communicate basic wants and needs, follow basic instructions, and/or understand communication from another in a manner appropriate to age, person, place and setting.

**REFERENCES**

- IC 12-11-2.1-1
- IC 12-7-2-61(a)
- 42 CFR §435.1009



Approved by: Shane Spotts, DDRS Director