

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**



PROCEDURE	
Subject: DDA Intake and Eligibility Determination	Procedure No.: 2016-DDA-PR02
Responsible Program or Office: Developmental Disabilities Administration	Effective Date: October 1, 2016
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Supersedes DDA Intake & Eligibility Determination Policy and Procedure Dated: August 01, 2011.	
Cross Reference, Related Policies and Procedures, and Related Documents: Intake Policy; DDS Language Access Policy and Procedure; DDA and RSA Service Coordination Protocol; DDS Front Door Tool; Freedom of Choice form	

1. PURPOSE

The purpose of this procedure is to provide standards for receiving and processing the applications of all people requesting services or supports from the Developmental Disabilities Administration (DDA), and for providing timely and adequate due process notice of a person's right to appeal a determination that he or she is ineligible to receive DDA services.

2. APPLICABILITY

This procedure applies to all employees of DDA.

3. PROCEDURES

In order to ensure compliance with these standards, the following are the general eligibility criteria and the operational procedures that have been adopted by DDA:

A. Eligibility Criteria for DDA Services and Supports

To be eligible to receive services and supports from DDA, the applicant must:

1. Provide proof that he/she is a resident of the District of Columbia;
2. Demonstrate that the person has an intellectual disability, as defined below in

Section 3.B, *Establishing Intellectual Disability*, or that the person has been a resident at Forest Haven, i.e., an *Evans* class member;

3. Submit a complete application package that includes:
 - a. Copies of the person's birth certificate or government issued I.D. such as a drivers or non-drivers I.D., a Supplemental Nutrition Assistance Program (SNAP) card etc.,
 - b. proof of health insurance (e.g., D.C. Medicaid or private coverage), if they have health insurance;
 - c. Supporting documentation, such as school records, medical records, or social history, if available, that demonstrates the presence of an intellectual disability prior to the age of 18;
 - d. Psychological evaluations, based on one or more standardized intelligence tests, that document that the person has an intellectual disability, as well as any other supporting documentation of adaptive behavior deficits or developmental delays manifested during the developmental period; and
 - e. Psychological and psychiatric evaluations that document any diagnosed psychiatric condition, should one be present.

B. Establishing Intellectual Disability

1. Intellectual disability means a substantial limitation in capacity that manifests before 18 years of age and is characterized by significantly below-average intellectual functioning (an intelligence quotient (IQ) score of 69 or below), existing concurrently with two (2) or more significant limitations in adaptive functioning.
 - a. The determination of intellectual functioning includes consideration of the standard error of measurement associated with the particular IQ test.
 - b. The adaptive functioning deficits must exist in at least two of the following three domains: conceptual, practical, and social. Evidence of adaptive function must be measured by a standardized norm-referenced assessment instrument, such as the Vineland Adaptive Behavioral Scale or the Woodcock Johnson Scales of Independent Behavior. The assessment tool must be standardized with reference to people of similar age in the general population. The assessment instrument must be interpreted by a person qualified to administer, score, and interpret the results as specified in the assessment tool's manual.
2. Intellectual functioning must be measured with an individually administered,

psychometrically valid, comprehensive and culturally appropriate test of intelligence. For people with language, motor, or hearing disabilities, a combination of assessment methods should be used.

3. For the purposes of determining eligibility for DDA services and supports, if the designated DDA psychologist determines that standardized intellectual testing is inappropriate or unreliable for the person, the DDA psychologist can make a clinical judgment based on the preponderance of evidence obtained from all sources, including the opinion of the person's clinician.
4. If past testing of the person has resulted in highly discrepant individual sub-test scores and/ or large numerical differences between IQ scores over time, then clinical judgment is required to interpret the test results. It is the responsibility of the DDA psychologist to determine which scores most accurately reflect the person's cognitive ability. Diagnosis should be based upon scores over time and multiple sources of measurement.
5. The onset of impaired intellectual or adaptive functioning due to drugs, accident(s), disease(s), mental illness(es), emotional disturbance(s), or anything else that may have an impact on functioning, in a person after age 18 or older, does not constitute an intellectual disability.
6. If a person is dually diagnosed with an intellectual disability, mental illness, other psychiatric conditions, or other illnesses due to injury, the Intake and Eligibility Determination Unit (I&EDU) shall make its eligibility decision based solely on the diagnosis of intellectual disability.
7. When the person has a disability acquired at birth that is characterized by or often linked with an intellectual disability, such as Down Syndrome, Fetal Alcohol Spectrum Disorder, or Fragile X Syndrome, DDA will determine the person has an intellectual disability if the person demonstrates that he or she currently has an intellectual disability in accordance with Section 3.B.1.
8. In the absence of a pre-18 psychological evaluation, DDA will determine the person has an intellectual disability if the person meets DDA's IQ and adaptive functioning deficits requirements based on a current psychological assessment(s) and a social history that supports evidence of pre-18 onset of an intellectual disability.
 - a. The social history should corroborate the presence of an intellectual disability before the age of 18 and should clearly include (1) documents and (2) the sources of the interviews (i.e. parents, caregivers or others that know the person) relied upon to compile the history.
 - b. If there is evidence or history of head trauma, mental, emotional or substance abuse disorders after age 18, then the DDA psychologist or consulting

clinician must provide a clinical impression regarding how the functioning of the person may be impacted by the identified condition in order to determine if the significant impairment in adaptive functioning is directly related to an intellectual disability and not primarily related to a head trauma, significant mental or emotional disorder, or substance abuse. Supporting documentation should demonstrate that after early childhood, the intellectual disability is life-long.

9. If the person has no pre-18 psychological evaluation or other documentation available, and there is no opportunity to conduct a social history, DDA will determine the person has an intellectual disability if the person meets DDA's IQ and adaptive functioning deficits requirements based on a current psychological assessment(s), and there is no evidence or history of:
 - a. Head trauma;
 - b. Significant mental or emotional disorders; or
 - c. Substance abuse.

Additionally, if there is evidence or history of head trauma, mental, emotional or substance abuse disorders, then the DDA psychologist or consulting clinician must provide a clinical impression regarding how the functioning of the person may be impacted by the identified condition in order to determine if the significant impairment in adaptive functioning is directly related to an intellectual disability and not primarily related to a head trauma, significant mental or emotional disorder, or substance abuse.

10. In the absence of a pre-18 psychological evaluation, DDA will arrange for the person to receive a current psychological assessment. Language interpretation services are available for non-native English speakers, in accordance with the DDS Language Access Policy and Procedure.

C. I&EDU Staff Responsibilities:

1. The I&EDU service coordinator or designee shall assist all people with completing the application packet for services consistent with the timelines outlined in this Procedure.
2. Translation and interpretation services will be used to support limited English or non-English proficient speaking applicants and families with the application process.
3. Upon receipt of a request for services from a District resident, or from a representative on behalf of a District resident, the I&EDU shall mail or fax a packet of intake forms, guidelines, and instructions related to the documentation required to evaluate eligibility in Section 3.A.3 to anyone upon request.

4. The I&EDU staff shall provide additional assistance as needed, including assistance with applying for Medicaid.
5. Applications received by 3:00 p.m. will be date-stamped for that day. Applications received after 3:00 p.m. will be date-stamped for the next business day. This date represents the beginning of the Intake and Eligibility Determination process.
6. The I&EDU staff will record the required information into the application registry, including the applicant's name, date application received, and referral source.
7. The Community Outreach Liaison staff will create the person's file record within 24 hours or the next business day, using the application and the documentation submitted with the application, and notify the I&EDU Manager that the new case record is completed and ready for review and assignment.
8. Within five (5) business days of receiving an inquiry regarding services, the Community Outreach Liaison will coordinate a visit with the applicant. The purpose of this visit is to engage the person and whomever they have identified they would like to participate (his or her circle of support) to complete an initial person-centered plan.
9. During the visit with the applicant, the Community Outreach Liaison will use the DDS Front Door Tool to determine:
 - a. The person's strengths;
 - b. The person's immediate long term support needs, i.e., why the person is accessing services and supports and what can be done in a relatively short time span to assist the person from the perspective of the person and his or her family and/ or caregiver, if they are assisting the person with the application process;
 - c. The person's vision of a good life from his or her perspective and also family members' perspectives, including:
 - i. A description of what the person wants his or her overall "good life" to look like, including what he or she does not want; and
 - d. Guided conversation on employment, and
 - e. How the person is currently being supported and what other supports might be needed, using the Integrated Supports Star tool, page two of the DDS Front Door Tool.

10. During the visit with the applicant, the Community Outreach Liaison will also use the Integrated Supports Cheat Sheet, to discuss supports a person can receive in the following order:
 - i. Personal strengths and assets;
 - ii. Relationship based supports, also called natural supports;
 - iii. Supports using technology;
 - iv. Community resources such as adult literacy class through the D.C. Public Libraries or a fitness class through D.C. Parks and Recreation;
 - v. Eligibility-based supports such as Medicaid State Plan services or employment supports through the Rehabilitation Services Administration; and
 - vi. Supports through the Home and Community Based Services Waiver for People with Intellectual and Developmental Disabilities (HCBS IDD Waiver).
11. The completed DDS Front Door Tool will be uploaded into the DDS MCIS Database under the “Consumer/Service Coordination” section.
12. Following the conversation using the Front Door Tool, the I&EDU shall offer the person referrals to community and eligibility-based supports. With the person’s permission, a copy of the DDS Front Door Tool may be shared with the organization where the referral is made. The DDS Front Door Tool may also be shared with other public agencies pursuant to D.C. Official Code § 7-242(a) if the person is being referred to other public agencies for long-term services and supports such as the Department of Behavioral Health. Resource listings are available through the 211 “Answers Please” database.
13. If the initial person-centered plan indicates that the person would benefit from the HCBS IDD Waiver, the Community Outreach Liaison shall discuss the waiver application with the person and his or her circle of support. The attached Freedom of Choice form shall be completed to document the person’s informed choice regarding services through the HCBS IDD Waiver or through an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

D. Assignment of Applicant's File to Intake & Eligibility Determination Unit Service Coordinator:

1. Within two (2) business days of receipt of an application, the person's file record is given to the I&EDU Manager for review and assignment of an I&EDU service coordinator.
2. The I&EDU Manager shall use the DDA database, MCIS, to determine whether the person has previously applied for DDA eligibility.
 - a. If MCIS indicates that the applicant has previously applied for eligibility

determination, the I&EDU shall request reactivation of the person's file through DDS's Information Technology Unit. The I&EDU shall request updated contact information, proof of residence, income and a release of information waiver. The I&EDU staff will not require the person to resubmit old documentation (i.e., previously submitted forms and supporting documents). However, the I&EDU staff will inquire if additional information is needed since the previous eligibility determination.

- b. If the person had previously been found eligible and his or her case was officially closed within the last year, the person is eligible for admission to DDA. The I&EDU Manager will advise whether the person ought to concurrently receive new assessments for the purposes of service planning and coordination and the I&EDU Service Coordination shall help coordinate those.
3. If the person does not have a previous file in MCIS, the I&EDU staff shall enter the required information into MCIS to open an individual file on the applicant.
4. The I&EDU Manager shall verify whether the person was a one-time resident at Forest Haven, *i.e.*, an *Evans* class member. If the I&EDU Manager verifies that the person is an *Evans* class member, he or she will designate the person's status in MCIS as "Evans" and inform DDS's Office of the General Counsel (OGC). The OGC shall notify the *Evans* stakeholders, *i.e.*, Court Monitoring Office, plaintiffs, plaintiff-intervener, Special Master, Independent Compliance Administrator and Quality Trust for Individuals with Disabilities.
5. The I&EDU clerical support person, at the direction of the I&EDU Manager, prepares a New Customer Assignment sheet, which is then provided to the assigned I&EDU service coordinator.
6. The I&EDU service coordinator assigned to the person's file shall:
 - a. Review the record(s) to ascertain if all of the required information is contained in the person's file and determine if language access or services or translation services according to the Americans with Disabilities Act (ADA) are required within three (3) business days of the service coordinator receiving the file assignment;
 - b. Mail a letter to the person(s), giving notice that he or she is the assigned I&EDU service coordinator who will assist him or her to complete the eligibility process and includes a notice of language access services will be included in the introductory letter if it appears that such support may be needed within three (3) business days of the file review;
 - c. Assist the person to establish eligibility through records requests, interviews, coordinating any needed assessments, and completion of the application itself;

- d. Contact the person within five (5) business days of sending the letter in Section 3.D.6.b, in order to arrange to meet with the person and his or her circle of support at a location that is convenient for the person to review the Intake Eligibility Determination process and to obtain or make plans for obtaining the needed additional information;
 - e. Complete a Level of Need assessment during the initial meeting; and Collect all information needed and make a referral to the DDA Referral Team to request a HCBS IDD Waiver slot.
7. The I&EDU Manager will track completion of application packets and monitor progress during weekly status updates.

E. Individual's File Review and Eligibility Process

1. The I&EDU service coordinator shall prepare the person's file for presentation to the person's file review team within five (5) business days of receiving all of the requested documents and information from the person.
2. The person's file review team will determine if the application is supported by all documentation required under Section 3.A of this procedure. The person's file review team may request additional information or documentation as deemed necessary for the eligibility determination. If the person's file review team determines that sufficient information or documentation has been received, the person's file review team shall make an eligibility determination at that time.

F. Eligibility Determination Notification Process:

1. The I&EDU service coordinator shall notify the person in writing and with one telephone call that a person's application is complete within three (3) business days of receipt of the completed form. All communications shall be in the person's preferred language, in accordance with the DDS Language Access policy and procedure.
2. Within five (5) business days of an eligibility determination, the I&EDU service coordinator shall notify in writing and with one telephone call the applicant and/or his or her representative, legal guardian and referral source, of the results of the determination of eligibility for DDA supports.
3. If the person was not found eligible for DDA services, the I&EDU service coordinator shall send written notice of the determination, including Medicaid due process appeals rights and informal DDA review, as described in Section 3.H..

G. Transfer of Eligible Individual's Files to Service Coordination:

1. Within five (5) business days of the determination that the applicant is eligible, the I&EDU service coordinator shall complete the Intake Transfer Summary, complete the notes in MCIS, prepare the person's file for transfer by uploading all pertinent assessment and letters into MCIS in the profile tab under Service Coordination, and submit the person's file to the I&EDU Manager.
2. The I&EDU Manager shall review the person's file and the notes in MCIS to ensure that the person's file is ready for transfer to the Service Coordination Division.
3. The I&EDU Manager shall update the eligibility status in MCIS from "pending" to "eligible."
4. The I&EDU Manager shall submit the person's name to the Program Manager of the Service Planning and Coordination Division ("SPCD") for assignment to a service coordinator and enter an EMPIR Ticket to have the address added under the provider section of MCIS. The Program Manager shall review the information in MCIS and assign a service coordinator. The I&EDU Manager or designee will forward the original file to the DDS Records Room.
5. Within five (5) business days of receipt of the notice, the following transfer steps must be completed:
 - a. The I&EDU service coordinator and Continuing Service Coordinator will coordinate the transfer conference with either the I&EDU Manager or a Supervisory Service Coordinator;
 - b. The Supervisory Service Coordinator receives the new case assignment and the transfer summary from the Director of Service Planning and Coordination Division.

H. Appeal of Eligibility Determination Process:

One factor in determining eligibility for the HCBS IDD Waiver is a finding that the person is eligible for DDA services. Therefore, DDS issues a Medicaid Notice and Right to Appeal upon a denial of eligibility. To appeal solely a finding of DDA eligibility, the person must use the DDA Review process. However, for people who are also interested in applying for HCBS IDD Waiver services, the person may also appeal the denial of DDA eligibility as a denial of a Medicaid benefit.

1. DDA Level I & II Review.

The agency review contemplated by this provision is the process by which the person and their legal representative may seek reconsideration of a finding of DDA eligibility. It does not replace a person's right to request appeal of Medicaid

benefits by a fair hearing and is not a prerequisite to a Medicaid fair hearing. Using the agency review process does not toll a person's timeline to file for a Medicaid fair hearing.

- a. Within thirty (30) business days of the notification of ineligibility, the applicant or his or her designee must notify the I&EDU Manager of his or her intent to appeal the determination decision in writing, by telephone, or in-person at DDA.
- b. Within five (5) business days of the receipt of the notification of the intent to appeal the determination decision, the I&EDU Manager shall contact the applicant and/or his or her representative, legal guardian and referral source, if applicable, to schedule a Level I review meeting. The Level I review meeting provides the I&EDU the opportunity to explain its process and how the determination was made.
- c. The Level I review meeting will include, at a minimum, the following: the applicant, his or her designee, the I&EDU service coordinator, the I&EDU Manager, and any other DDA staff, as needed.
- d. The applicant and/or his or her designee may provide any additional information that was not used in the I&EDU's initial determination. If additional information is provided in the Level I meeting, the I&EDU shall, within ten (10) business days of the Level I meeting, review this information in conjunction with the information provided in the initial application and make a determination of eligibility.
- e. Within five (5) business days of a Level I review eligibility determination, I&EDU shall notify in writing and with one telephone call the applicant and/or his or her representative, legal guardian and referral source, if applicable, of the determination decision.
- f. If no additional information is provided in the Level I meeting, or if the I&EDU determines that the applicant is still ineligible for DDA services after review of the additional information provided in the Level I meeting, the applicant may, within twenty (20) business days of the Level I decision, appeal the determination to the DDS Deputy Director for DDA ("Deputy Director") by notifying the I&EDU Manager in writing, by telephone, or in person at DDA.
- g. The I&EDU Manager shall notify the Deputy Director of the request for a Level II review of the eligibility determination within 24 hours or the next business day of receiving a notice of appeal from the applicant.
- h. The Deputy Director shall review the person's file and may opt to convene a Level II review meeting for a re-evaluation of eligibility or to provide a

written statement of final determination to the applicant and/or his or her representative, legal guardian and referral source, if applicable.

- i. Any Level II review meeting will be convened within ten (10) business days of the Deputy Director being notified by the I&EDU Manager.
- j. The Level II review meeting shall include, but not be limited to, the following: the applicant or his or her designee, the Deputy Director, and any other DDA staff, as needed.
- k. Within five (5) business days of the Level II review meeting, or within ten (10) business days of receipt of the request for a Level II review where the Deputy Director does not convene a Level II review meeting, the Deputy Director will provide a final written decision to all parties. If the written decision deems the applicant ineligible for DDA services, it shall outline additional steps that could be taken to seek redress. In addition, the Deputy Director will notify the person that s/he may petition Superior Court for review of the final DDA eligibility determination and notify the person of any Medicaid appeal rights.
- l. The I&EDU Manager shall notify the applicant in a timely and adequate fashion of the effects of the eligibility determination on the person's ability to receive services through the HCBS IDD Medicaid Waiver and provide information about the right to further appeal a Medicaid determination through a fair hearing if the DDA eligibility determination renders the person ineligible for Medicaid or waiver services.

2. Medicaid Notice and Right to Appeal

- a. The I&EDU Manager shall provide each person determined ineligible and their legal representative, timely and adequate written notice of the right to submit a Medicaid appeal regarding eligibility for HCBS IDD Waiver services, in a timely and adequate fashion.
- b. Timely means that the written notice is sent by first-class U.S. Mail, postage prepaid, within five (5) business days of the eligibility determination to the last known address for the person and their legal representative as included in the completed application or entered in the DDA database for the person.
- c. Adequate means that the written notice includes:
 - i. A statement of the action taken by DDA;
 - ii. The reason for the action and, if the action is ineligibility for DDA services, notice of ineligibility along with reasons for the ineligibility determination;
 - iii. That the person can contact the Office of Administrative Hearings (OAH);

- iv. An explanation of the person's right to an informal agency review and/or fair hearing at OAH;
- v. The method and deadlines by which the person may request an informal agency review or demand a fair hearing;
- vi. That the informal agency review is not required and does not toll the time that a person has to file with OAH;
- vii. That the person may immediately file a fair hearing request with OAH;
- viii. That the person may represent himself or herself, or use legal counsel, a relative, a friend or other person for assistance;
- ix. Referral information for area legal services organizations; and
- x. That if a person needs assistance, he or she may contact the DDS Office of Rights and Advocacy at (202) 730-1700.

I. Closing Intake Individual's Files:

An applicant's file may be closed when one or more of the following occurs.

1. The I&EDU makes the final determination that an applicant is not eligible to receive services through the DDA service delivery system.
2. The applicant and/or his legal guardian or family decide and communicate to the service coordinator orally or in writing that he or she is no longer interested in receiving services through the DDA service delivery system. This person's file shall be closed within ten (10) business days of the I&EDU service coordinator sending a letter confirming that the person or his or her legal guardian or family is no longer interested in receiving services. The applicant may reapply to receive services at any time.
3. The I&EDU service coordinator is informed of and confirmed the death of the applicant.
4. The I&EDU service coordinator is informed that the applicant is no longer a resident of the District of Columbia. In this instance, the I&EDU service coordinator shall send a letter to the applicant and/or his or her legal guardian or family notifying him or her of I&EDU's decision to close the person's file.
5. The I&EDU service coordinator shall close the person's file if the applicant and/or his or her legal guardian or designee does not provide documentation requested after at least three (3) attempts to contact the applicant or his or her authorized person by telephone at various times of the day over the course of one month. The person's file must also contain copies of letters mailed in an attempt to re-establish contact. Within sixty (60) business days of person's file assignment to the I&EDU service coordinator, DDA will mail a person's file closure letter to the applicant and/or his or her legal guardian explaining the reason for the closure and the option for reapplying for future services.