

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



PROCEDURE	
Subject: Re-Determination of Eligibility for DDA Services	Procedure No.: 2014-DDA-PR23
Responsible Program or Office: Developmental Disabilities Administration	Effective Date: December 15, 2014
Date Approved: November 26, 2014	Number of Pages: 4
Cross References, Related Policies and Procedures, and Related Documents: DDA Intake and Eligibility Determination Policy and Procedure; ICF/IDD Level of Care Determination Policy; Service Coordination Desk Guide; Re-Determination of Eligibility for DDA Services Policy	

1. PURPOSE

The purpose of this procedure is to establish the standards and guidelines and delineate responsibilities on how the Department on Disability Services (“DDS”), Developmental Disabilities Administration (“DDA”), will evaluate information and make determinations about continued eligibility for DDA services, including providing timely and adequate notice to the person.

2. APPLICABILITY

This procedure applies to all employees of DDA.

3. PROCEDURES

- A. Whenever a DDA employee learns information that indicates that a person who is currently receiving services and supports from DDA is either (1) no longer a resident of the District of Columbia, or (2) does not have proof of a diagnosis of an intellectual disability, the employee must notify the Program Manager of the Service Planning and Coordination Division (“SPCD”) within five (5) business days.

- B. Within five (5) business days of notification, the SPCD Program Manager, or his or her designee, shall: (1) arrange for a new Level of Care determination, if the person has not had one within six (6) months; and (2) send the person, and their representative, timely and adequate notice of DDA’s decision to review the person’s

eligibility for continued services and supports from DDA and an invitation to participate in the review process.

- a. Timely means written notice sent by first-class U.S. Mail, postage prepaid, within five (5) business days to the last known address for the person and their representative as included in the completed application or in the DDA database.
- b. Adequate means that the written notice includes:
 - i. A statement that DDA intends to review the person's continued eligibility for DDA services and supports;
 - ii. The reason for the action;
 - iii. The date of the review panel meeting;
 - iv. That the person has a right to review his or her record;
 - v. That the person can contact his or her service coordinator to provide additional information or report a change in his or her circumstances;
 - vi. That the person may represent himself or herself, or use legal counsel, a relative, a friend or other person for assistance; and
 - vii. That after the review, the person will receive an additional notice of the agency's decision and the person's appeal rights, if he or she disagrees.

C. The SPCD Program Manager shall convene a Level I review panel consisting of: (1) the Service Coordination Manager; (2) a psychologist who did not make the initial intake determination or diagnosis of an intellectual disability; and (3) other DDA staff, at his or her discretion.

- a. The panel shall review the person's record and any additional documentation the person may have provided.
- b. The panel may request additional evidence, such as additional psychological testing, a new Level of Care determination, or other items it would find useful in making this determination.
- c. In addition to the Level I review panel members, the DDA staff attending the review panel meeting shall include, at a minimum, the following: the person's service coordinator, the service coordinator's supervisor, and any other DDA staff, as needed.
- d. The person under review may provide any additional information to support his or her eligibility for DDA services.

D. Within ten (10) business days of the meeting, the review panel shall review any additional evidence submitted by the person, or otherwise obtained, in conjunction with existing information in the person's record and make a recommendation to the

DDS Deputy Director for DDA regarding the person's continued eligibility for DDA services and supports.

- E. The DDS Deputy Director for DDA shall review the person's file and the review panel's recommendations and may opt to convene a Level II review meeting for a re-evaluation of eligibility or provide a written statement of final determination to the person, and their representative:
 - a. Any Level II review meeting will be convened within ten (10) business days of the Deputy Director receiving the recommendation from the review panel.
 - b. The Level II review meeting shall include, but not be limited to, the following: the person, and their representative, the Deputy Director, and any other DDA staff, as needed.

- F. The DDS Deputy Director for DDA, or his or her designee, shall send timely notice of the Agency's final administrative decision to the person, and their representative. If the written decision deems the person no longer eligible for DDA services, the notice must also be adequate, as described below.
 - a. Timely means that the written notice is sent by first-class U.S. Mail, postage prepaid, within five (5) business days of the decision to the last known address for the person and their representative or as included in the completed application or entered in the DDA database for the person.
 - b. Adequate means that the written notice includes:
 - i. A statement of the determination made by DDA and accompanying action;
 - ii. Notice that DDA intends to close the person's case within thirty (30) days;
 - iii. The reason for the determination and action;
 - iv. The person's right to bring an action in D.C. Superior Court challenging the final administrative decision;
 - v. That if the person receives supports through the Medicaid Home and Community-Based Services waiver for People with Intellectual and Developmental Disabilities ("HCBS IDD waiver") or through an Intermediate Care Facility for Individuals with Intellectual and Developmental Disabilities ("ICF/IID") he or she will also receive a notice advising of Medicaid appeal rights;
 - vi. That if the person pursues his or her Medicaid appeal rights by requesting a hearing at the Office of Administrative Hearings ("OAH") and requests to continue to receive Medicaid services while the hearing is pending, and notifies DDS, DDS will toll its decision to terminate the person's services until after there is a hearing determination;
 - vii. That the person may represent himself or herself, or use legal counsel, a relative, a friend or other person for assistance; and
 - viii. Referral information for area legal services organizations.

- G. When a person is found to no longer be eligible for DDA services, if the person receives supports through the HCBS IDD waiver, the DDS Deputy Director for DDA shall direct the person's service coordinator to issue a Waiver Discharge Form, in accordance with the instructions in the Service Coordination Desk Guide.
- H. If a person who receives Medicaid services through the HCBS IDD waiver or through an ICF/IID requests a timely appeal through OAH to continue to receive Medicaid services, DDS will place the person's termination from services on hold pending the outcome of that hearing. If OAH issues an order finding that the person continues to be eligible for HCBS IDD waiver services or ICF/IID supports, DDS shall consider the person eligible for services, except that DDS retains its right to appeal the OAH finding.
- I. For a person who does not receive supports through the HCBS IDD waiver or in an ICF/IID, or when a person chooses not to pursue his or her Medicaid appeal rights at OAH, or once there is an OAH determination that the person is ineligible to continue to receive HCBS IDD waiver or ICF/IID services, DDA shall follow the case closure process, as described in the Service Coordination Desk Guide. The person's service coordinator shall also refer the person to other community-based supports and services for which the person may be eligible.