

ELIGIBILITY FOR OMRDD SERVICES

Important Facts

June 2006

OMRDD, through its local Developmental Disabilities Services Offices (DDSO), determines whether a person has a developmental disability and is eligible for OMRDD funded services. This fact sheet describes the Three-Step process and the type of information OMRDD needs to make an eligibility determination of developmental disability.

NOTE: A determination of developmental disability does not mean the person is eligible for all OMRDD funded services. Some OMRDD funded services have additional eligibility criteria. For example, ICFs and HCBS waiver programs include an additional level of care determination, and individuals are eligible for HCBS services only when they reside in appropriate living arrangements. These and other additional criteria for eligibility of specific OMRDD services are not reviewed through this process.

ELIGIBILITY DETERMINATION PROCESS

Eligibility Request

An OMRDD Transmittal Form must accompany all requests submitted to the DDSO for eligibility determinations. The Transmittal Form includes the name of the person, the name of the person's representative, and relevant contact information. Documentation of the person's developmental disability, as described on page 2 of this fact sheet, must also be included as part of the eligibility request.

1st Step Review

DDSO staff review the eligibility request for completeness and share the information with other staff designated by the Director, as necessary. After this review, the DDSO notifies the person in writing that:

- (a) Eligibility or provisional eligibility has been determined; or
- (b) The request is incomplete and requires additional documentation; or
- (c) The request has been forwarded for a 2nd Step Review.

2nd Step Review

DDSO clinicians designated by the DDSO Director conduct a 2nd Step Review of the eligibility request forwarded by the 1st Step Review, along with any additional documentation provided by the person. If these clinicians require additional medical information, psychological test results, or historical documentation, the person is notified in writing of the type of information needed and the date by which it must be submitted to the DDSO.

Following the 2nd Step Review, the DDSO provides the person with written notification of its determination. If the person is found ineligible for OMRDD services because he or she does not have a developmental disability, the letter shall offer the person and his or her representative the opportunity to:

- (a) Meet with DDSO staff to discuss the determination and documentation reviewed; and
- (b) Request a 3rd Step Review; and
- (c) Request a Medicaid Fair Hearing in cases where Medicaid funded services are sought.

Note that a Notice of Decision informing the person of his or her right to request a Medicaid fair hearing is sent only when the Transmittal Form indicates that the person is interested in receiving Medicaid funded OMRDD services if determined eligible. If the person has not indicated Medicaid funded services, no fair hearing is offered and the decision of the DDSO is final.

The person may choose one, two or all three of the above options. If a fair hearing is requested, a 3rd Step Review will automatically be conducted.

3rd Step Review

Eligibility Determination Committees located in the New York City Regional Office (for New York City residents) or at the Upstate Regional Office in Albany (for all other New York residents) conduct the 3rd Step Reviews. Committee members include licensed practitioners who are not directly involved in the determinations made at the 1st and 2nd Step Reviews. The Committees review the submitted eligibility request and any additional documentation provided by or on behalf of the person. The Committee forwards its recommendations to the DDSO 2nd Step Review coordinator. The DDSO Director or designated staff person considers the 3rd Step recommendations and informs the person of any change in the DDSO's determination. 3rd Step reviews will be made prior to any fair hearing date.

REQUIRED AND ADDITIONAL DOCUMENTS NEEDED

The DDSO will need the following information, in most cases, to determine whether someone is eligible for OMRDD services. Clarification to the current fact sheet (dated 9/02) is made in **bold**.

●A **medical** or specialty report (for example, a neurological report) **health status and diagnostic findings to support a qualifying diagnosis other than mental retardation;**

For persons qualifying with mental retardation only, a recent general medical report, if available

●A psychological report which includes assessment of intellectual functioning with reporting of intelligence scores (**including subscale, part, and full scale scores**), and, for people with IQs above 60, **standardized** assessment of adaptive behavior with reporting of scale and summary scores (**for people with IQ's below 60, assessment may be based on qualitative review via interview with care-providers, review of records, and direct observations**)

●A social history, psychosocial report, or other background report that shows that the person became disabled before age 22 years (background information is still needed if the person is a child or adolescent)

In some cases, the DDSO will not be able to decide whether someone is eligible based on the reports that are provided. In those cases, the DDSO may request further information or different reports, and will either recommend where these tests can be done, or arrange for them to be done.

Acceptable Measures of Intellectual and Adaptive Behavior

Any of the following measures of intellectual functioning are accepted:*

- Kaufman Assessment Battery for Children
- Leiter International Performance Scale
- The Stanford-Binet Scales
- The Wechsler series of Intelligence Scales
- Other intelligence tests are acceptable if they are comprehensive, structured, standardized, and have up-to-date general population norms
 - Brief or partial administration of comprehensive intellectual measures may be utilized only in circumstances where standardized administration is impossible
 - **Abbreviated measures of intelligence (e.g., WASI or KBIT) alone are not acceptable**
 - **Language-free instruments (e.g., the Leiter or CTONI), in combination with the performance items of a comprehensive IQ test, will be considered for individuals who are non-English speaking, deaf or nonverbal**
 - **Intellectual measures standardized in English that have been administered by translation into another language are not acceptable for eligibility determinations**

Any of the following measures of adaptive behavior are accepted:*

- AAMR Adaptive Behavior Scale, School Version **only** (for use with children)
- Adaptive Behavior Assessment System
- Comprehensive Test of Adaptive Behavior
- Scales of Independent Behavior
- Vineland Adaptive Behavior Scales
- Other adaptive behavior measures are acceptable if they are comprehensive, structured, standardized, and have up-to-date general population norms

Adaptive behavior measures should be completed to reflect the person's typical behavior, not their best behavior under best circumstances.

Adaptive behavior measures should be completed and scored by professionals trained in their use, according to professional standards established for each scale in its respective manual.

**Updated or current evaluations of intellectual functioning and adaptive behavior must be based upon the most recent version of the particular instrument used.*