

# Policy Transmittal Developmental Disabilities Services



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**Number:**  
**Issue date:**

**Topic:** Developmental Disabilities

**Due date:** July 1, 2022

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- All DHS employees   
  County Mental Health Directors  
 Area Agencies on Aging: {Select type}   
  Health Services  
 Aging and People with Disabilities   
  Office of Developmental Disabilities Services (ODDS)  
 Self Sufficiency Programs   
  ODDS Children's Intensive In Home Services  
 County DD program managers   
  Stabilization and Crisis Unit (SACU)  
 Support Service Brokerage Directors   
  Other (please specify): CDDP Eligibility Specialists and Supervisors  
 ODDS Children's Residential Services  
 Child Welfare Programs

<b>Policy/rule title:</b>	Eligibility Determinations Exceeding 90 days		
<b>Policy/rule number(s):</b>		<b>Release number:</b>	
<b>Effective date:</b>	July 1, 2022	<b>Expiration date:</b>	N/A
<b>References:</b>	<a href="#">OAR 411-320-0080</a> Effective 2009 – 12/28/2014 and <a href="#">OAR 411-320-0080(10)</a> Effective 12/28/2014		
<b>Web address:</b>	See above links for OAR 411-320-0080		

**Discussion/interpretation:** This policy provides technical guidance and clarification on Oregon Administrative Rule (OAR) language in 411-320-0080 effective through 12/27/2014 changes, which included requirements for Community Developmental Disabilities Programs (CDDP's) to document and send written notice of mutual agreement with an applicant or representative when an eligibility determination was not completed within 90 days, which is not in current rule.

ODDS has determined that there is no longer a need to send an extension letter or progress note that there is documented mutual agreement. This question has been

removed from the Core Competency check list, the Quality Assurance Field Reviews and will be removed from the workload model survey questionnaire.

**Current rules should always be followed for eligibility determinations.** When an application is made and delays in the determination process may cause the CDDP to not obtain a completed application within 90 days as defined and described in OAR 411-320-0020 and 411-320-0080, ODDS recommends the CDDP consider the below options:

- Send a Notice of Pending Status ([se 2853](#)) if information from the applicant or their representative is still required to complete an application, and a reasonable timeline to respond
- Make a progress note on the determination timeline not being met, and the OAR citation supporting the circumstances outside of the CDDP's control.

When an individual or their representative is not collaborating in the eligibility determination process and a completed application cannot be obtained within 90 days, CDDP's should refer to OAR 411-320-0080(2)(b) and 411-320-0080(11)(d) to take appropriate action, which may include one or more of the following:

- Stopping the application process and sending written notice
- Sending a Notice of Pending Status
- Or, send a Notice of Planned Action ([se 0947](#)) denying eligibility if the individual is not collaborating to complete the application within 90 days
- Making a detailed progress note regarding why a timely determination cannot occur and steps taken in response

### **Training/communication plan:**

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us)

The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings:  
<https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us) at least three business days prior to the meeting.

**Local/branch action required:** Managers and Eligibility Specialists should review and implement policy guidance for all determinations in-process.

**Central office action required:** Training and technical support will be provided during monthly eligibility meetings and on a case-by-case need.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:**

**Filing instructions:**

*If you have any questions about this policy, contact:*

Contact(s): Diagnosis & Evaluation Coordinator Unit	
Phone:	Fax:
Email: <a href="mailto:ODDS.DE@dhsosha.state.or.us">ODDS.DE@dhsosha.state.or.us</a>	

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