

Information Memorandum Transmittal Developmental Disabilities Services



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Topic: Developmental Disabilities

Due date:

Subject: Updated Eligibility Determination Notice Worker Guide

Applies to (check all that apply):

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

Message: ODDS has renamed and updated the document formerly titled "DD Worker Guide 2016" on the [Staff Tools](#) page. The "Eligibility Determination Notice Guide" provides instruction for completing decision notices regarding eligibility on forms prescribed by the Department; the Notice of Determination ([SDS5103](#)) is used for eligibility determinations, and Notification of Planned Action (NOPA) ([SDS 0947](#)) for denials and terminations of developmental disability services.

As an Eligibility Specialist or CDDP Manager, if the 2016 Worker Guide is saved, please remove and replace with the updated Eligibility Determination Notice Guide.

If you have any questions about this information, contact:

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Topic:	Eligibility Determination Notice Guide	
Date Issued/Updated:	April 19, 2019	

Contents

Overview 1

Notice timeline 2

Notice procedures..... 2

Eligibility Determination Notice rules.....3

Notice of Planned Action rules.....4

Frequently asked questions 19

Definitions..... 19

References..... 19

Relevant Oregon Administrative Rules..... 19

Contacts 20

Links

[DHS Forms Server \(SDS 5103, 0947, 5101\)](#)
[Eligibility Rules](#)

Overview

Description: The Eligibility Determination Worker Guide provides instruction for completing decision notices on forms prescribed by the Department; the Notice of Determination ([SDS 5103](#)) is used for eligibility determinations, and Notification of Planned Action (NOPA) ([SDS 0947](#)) for denials and terminations of developmental disability services.

Purpose/Rationale: The Office of Developmental Disabilities Services (ODDS) recommends that you use the language in this guide as a foundation for completing the Notice of Determination ([SDS 5103](#)) and the NOPA ([SDS 0947](#)). As appropriate, add specific details in the “reason for action” that are relevant to the Oregon Administrative Rule (OAR) you cite in the Notification of Determination or NOPA. Use your professional judgment to add or subtract from the recommended language below to make the Notification of Determination or NOPA simple, clear and specific to the individual’s eligibility determination.

Applicability: This policy applies to CDDPs; specifically, eligibility specialists and CDDP staff assisting eligibility specialist administrative tasks in determining program eligibility.

Notice timeline

All decision notices must be sent within 10 business days of a completed application per [OAR 411-320-0080\(12\)](#), and include specific rules based on the individual determination.

Notice procedures

In the table below, the last column includes the full citations of all applicable OARs to be used for the specific eligibility situation. Abbreviated citations are appropriate and acceptable in some cases. If you use shortened citations, you must remember to include the word 'and' or '&' in between each section, subsection, paragraph or subparagraph.

Example: OAR '411-320-00080(8)(a)(A); 411-320-0080(8)(a)(B)'. Instead, you could list it as OAR 411-320-0080(8)(a)(A) and (B).

411= is the chapter (8) = is the section (A) = is the paragraph
320 = is the division (a) = is the subsection (ii) = is the subparagraph
0080= is the rule

Remember to include OARs 943-001-0020(3), 410-120-0006 and 411-320-0080(2) on all denials and terminations. OAR 943-001-0020(3) and 410-120-0006 explain shared delegation and responsibilities between the Oregon Health Authority and the Department of Human Services for Medicaid eligibility determinations. OAR 411-320-0080(2) identifies that the CDDP eligibility specialists are acting as a designee of the Department of Human Services.

Documentation of determination notice: All determinations must be documented in a progress note, and a copy of all notices kept in the CDDP file.

Notice of Determination (form SDS5103)

Categories	Reason for Eligibility	Reason for Action	Relevant OARs (Definition, description and age category)
All age categories	When an individual meets the criteria for either Intellectual or Other Developmental Disability	...because you have a condition of [list the primary qualifying diagnosis, i.e. ID, Autism, Other DD, Early Childhood Developmental Delay, etc	OAR 943-001-0020(3); 410-120-0006; 411-320-0080(2)
Early Childhood (Under age 7)	Intellectual Disability, with testing and under age 5	Developmental Disability, physicians' statement or testing under age 5	411-320-0080(5) and/or below 411-320-0020(21) and 411-320-0080(3) 411-320-0020(11) and 411-320-0080(4) Do NOT use Early Childhood Eligibility; determine under School-Age unless an exception or variance is approved in writing by the D&E Coordinator
School Age	ID/DD with testing, and age 5 – 7	Intellectual Disability	411-320-0080(6) and/or below 411-320-0020(21) and 411-320-0080(3)

Developmental Disability	411-320-0020(11) and 411-320-0080(4)
Adult	411-320-0080(7) and/or below
Intellectual Disability	Adult rule <i>and</i> 411-320-0020(21) <i>and</i> 411-320-0080(3)
Developmental Disability	Adult rule <i>and</i> 411-320-0020(11) <i>and</i> 411-320-0080(4)
Absence of Data in Developmental Years	411-320-0080(8)

Notice of Redetermination (DHS 5101)

Categories	Reason	Action	Relevant OARs (Definition, description and age category)
All age categories	When an individual requires a redetermination.	Insert individuals name, date on last determination notice, and list records on notice AND any new records on file that may be used for a redetermination	<u>Refer to 411-320-0080(5)(b), or 411-320-0080(6)(f), or 411-420-0080(7)(d) based on age</u>

Notice of Planned Action (SDS 0947)

All ages	Reason for Eligibility	Reason for Action	Relevant OARs
	No documentation of citizen status	We do not have documentation of your citizen status indicating you are a qualified non-citizen.	411-320-0080(1)(a) and (c); 461-115-0704; 411-320-0080(10); And 461-120-0110
Early Childhood	Reason for Eligibility	Reason for Action	Relevant OARs
Under 5	No current information (within 1 year) is available and the person/representative is not collaborating in providing information.	...because information within the last year is not available and you or your guardian are not collaborating to provide required information.	411-320-0080(5)(a) and 411-320-0080(1) and 411-320-0080(10)(a) and (c)(A)
Age 5-7	If testing exists in past 3 years, use school-age rule		

Under 7	<p><u>No neurological condition originating in and effecting the brain and standardized testing (by master's level assessor and early childhood assessment)</u> does not evidence 2 or more areas of adaptive behavior that are 2 or more standard deviations below the norm.</p>	<p>Because you do not have a diagnosis of a neurological condition, that originates in and directly affects the brain, and you do not have at least 2 areas of significant delay in your adaptive behavior. Specifically, [then briefly identify what was found in the documents]</p>	<p>411-320-0080(5)(a)(A)(i); 411-320-0080(5)(a)(B); and 411-320-0020(11)</p>
Age 5-7	<p><u>For standardized testing administered by a licensed clinical or school psychologist, use School-Age section/rules</u></p>		

Under 7	<u>Does not have 2 or more areas impaired</u>	Although you have a qualifying condition of [list the primary non-qualifying diagnosis] you do not have 2 or more areas of adaptive behavior that are 2 or more standard deviations below the norm.	
Under 7	Impairment, condition or syndrome is <u>primarily attributed</u> to another disorder, such as mental or emotional disorder, sensory impairment, motor impairment, substance abuse, personality disorder, learning disability, or ADHD.	...because your impairment [specify what condition or syndrome is] is primarily attributed to [list the primary non-qualifying diagnosis]	411-320-0080(5)(a)(C)
Under 7	Condition and/or impairment is <u>not expected to last indefinitely</u>	...because your condition/impairment of [list impairment or condition] is not expected to last indefinitely	411-320-0080(5)(a)(D)

School-aged children			
School Aged	IQ scores are <u>over 75</u> . No condition of any other disability.	...because your IQ scores are over 75 and you have not been diagnosed with an other qualifying developmental disability. Specifically, your IQ scores are [identify IQ score(s)] and your condition of [if applicable, list condition] does not meet our definition of an other developmental disability (neurological condition that originates in and directly affects the brain).	411-320-0020(11); 411-320-0020(21); 411-320-0080(3); 411-320-0080(4); 411-320-0080(6)
School Aged	<u>No current information</u> (within 3 years) is available or the person refusing to have additional testing completed.	...because information within the last 3 years is not available and you are not interested/willing to complete a new psychological evaluation [Also list out what type of information is – IQ testing, adaptive testing, diagnostic interview].	411-320-0020(10); 411-320-0080(1); 411-320-0080(6); 411-320-0080(10)(a) and (c)(A)

<p>School Aged / Adult</p>	<p>No significant impairment in adaptive behavior; Composite and Domain scores are over 70 and there are not at least 2 areas (4 or less on skill areas for the ABAS only) that are more than 2 standard deviations below the norm. [Regardless of what IQ score is or the diagnosis of an other developmental disability.]</p>	<p>Although you have a condition of [specify the specific ID or DD condition], you do not have significant impairments in your adaptive behavior, meaning either a composite score of 70 or below on your [name adaptive test] or 2 or more Domain areas that are a score of 70 or below (or for ABAS only 2 or more skill areas 2 standard deviations below the norm). Specifically, your adaptive behavior scores are [identify specific adaptive behavior scores].</p>	<p><u>Adult</u> 411-320-0020(3)(e); 411-320-0020(11); 411-320-0020(21); 411-320-0080(3); 411-320-0080(4) 411-320- 0080(7)(a)</p>	<p><u>School Aged</u> 411-320-0020(3)(e); 411-320-0020(11); 411-320-0020(21); 411-320-0080(3); 411-320-0080(4) and 411-320-0080(6)(c)</p>
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School Aged/Adult	<u>No diagnoses of an other qualifying developmental disability and IQ scores are over 75</u>	You do not have an intellectual disability because your IQ score is above 75 and you have not been diagnosed with an other qualifying developmental disability.	<u>Adult:</u> 411-320-0020(11); 411-320-0020(21); 411-320-0080(3); 411-320-0080(4); 411-320-0080(7)	<u>School-Aged:</u> 411-320-0020(11); 411-320-0020(21); 411-320-0080(3); 411-320-0080(4); 411-320-0080(6)
School Aged/Adult	<u>Impairments in adaptive behavior are not directly related to an intellectual disability or other developmental disability.</u>	...because your impairments in adaptive behavior have been found to be primarily attributed to [list out specific condition that the impairments in adaptive behavior are primarily related to] and not directly related to an intellectual disability or an other developmental disability.	<u>Adult</u> 411-320-0080(3)(b); 411-320-0080(4)(c); and 411-320-0080(7)	<u>School aged</u> 411-320-0080(3)(b); 411-320-0080(4)(c); and 411-320-0080(6)

School Aged/Adult	Condition is based on a <u>provisional diagnosis</u> and it is unknown whether the condition <u>will last indefinitely</u> or is suspected that it will not last indefinitely	...because your condition of [list ID/DD condition] , and we are not able to determine that your condition will last indefinitely.	<u>Adult</u> 411-320-0020(11) 411-320-0020(21) 411-320-0080(3)(a)(C)(iii) and (c) 411-320-0080(4)(a) and (d) 411-320-0080(7)	<u>School Aged</u> 411-320-0020(11) 411-320-0020(21) 411-320-0080(3)(a)(C)(iii) and (c) 411-320-0080(4)(a) and (d) 411-320-0080(6)
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School Aged / Adult	<u>Training and supports</u> are NOT similar to an intellectual disability. The Composite and all domain area scores are over 70. <i>DD determinations only; Does NOT apply to Intellectual Disability.</i>	Although you have a diagnosis of [list specific DD condition] , you do not require training or support similar to that required by individuals with an intellectual disability. Specifically, this means that on the [list adaptive assessment] assessment of adaptive behavior, you do not have a composite score or a domain area score that is a 70 or below. [If they do not meet the	<u>Adult</u> 411-320-0020(8) 411-320-0020(11) 411-320-0020(12) 411-320-0080(4)(a)(C) and (b) 411-320-0080(7)	<u>School aged</u> 411-320-0020(8) 411-320-0020(11) 411-320-0020(12); 411-320-0080(4)(a)(C) and (b); 411-320-0080(6);
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		definition for "significant impairments in adaptive behavior" then you should include language and OAR 411-320-0020(3)(e) as well.]		
School Aged/Adult	<p>Current IQ score of 75 or less, but no reasonable history of ID and significant impairment prior to 18</p> <p>OR</p> <p>Current diagnosis of an other developmental disability but no history of having this</p>	<p>...because you do not have a history of an intellectual disability (IQ scores 75 or under) and previous to the current IQ score, your IQ scores were [list dates of tests and FSIQs]. In addition, you do not have a diagnosis of any other developmental disability.</p> <p>OR</p> <p>...because there is no history supporting your diagnosis of [list their other developmental disability diagnosis]. Specifically, previous reports from [list reports from other qualified</p>	<p><u>Adult</u></p> <p>411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)</p>	<p><u>School aged</u></p> <p>411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4) 411-320-0080(6)</p>

	<p>diagnosis and significant impairment prior to age 22 and evidence that the condition or impairment has not lasted, or is not expected to last indefinitely. No intellectual disability.</p>	<p>professionals] did not support this diagnosis. In addition, you do meet our criteria for an intellectual disability (IQ scores 75 or under).</p>		
<p>School Aged / Adult</p>	<p>IQ and/or adaptive testing is <u>not considered</u> valid or is inconclusive. [This means that you have made every effort to get valid and conclusive testing or information, including re-testing when appropriate, but the doctor is</p>	<p>...because we are not able to determine if you meet our criteria for intellectual disability. According to Dr. XXX, the IQ testing cannot be considered valid because [list reason that testing was not considered valid]. Further, you have not been diagnosed with any other developmental disability. OR</p>	<p><u>Adult</u> 411-320-0020(3) 411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)</p>	<p><u>School aged</u> 411-320-0020(3) 411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4) 411-320-0080(6)</p>

	<p>unable to make any full diagnosis or clinical rationale for adaptive deficits. OR the Qualified Professional believes the testing was invalid due to the reporter inaccurately scoring an assessment or the individual is unable to complete a re-test (e.g. the individual continues to appear at the assessment under the influence of alcohol or a chemical.</p>	<p>According to Dr. XXX, the adaptive assessment results are not considered valid because [list reason that testing was not considered valid] and we've not been able to obtain a supplemental valid assessment.</p>		
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<p>Adult</p>	<p>No documentation (or only current information and no history) of an intellectual disability or an other developmental disability <u>prior to the age of 18 or 22 respectively</u> and if current documentation exists, clinical opinion due to mental/emotional health, head injury, substance use, is unable to provide clinical impression the ID/DD and impairment existed during developmental years and is directly related to the ID/DD. [after following OAR</p>	<p>...because we are not able to document that you have a history of an intellectual disability or an other developmental disability prior to the age of 18 or 22, respectively. [Identify the reason that you cannot support any other developmental disability prior to age 22 or the evidence you are relying on to make this statement].</p>	<p>411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7) 411-320-0080(8)</p>
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	411-320-0080(8) of what to do in the absence of data in developmental years].		
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Adult	<p><u>No current information</u> is available or the person is refusing to have additional testing completed.</p> <p>OR Adult testing is required but there is <u>no adult testing</u> available and the person is refusing to complete a new psychological evaluation.</p>	<p>...because information [select applicable statement: within the last 3 years and/OR after the age of 17] is not available and you are not interested/willing to complete a new psychological evaluation.</p> <p>OR ...because there is no adult testing available and you are not interested /willing to complete a new psychological evaluation.</p>	<p><u>Under 22</u> 411-320-0020(10) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)(b)</p> <p>OR 411-320-0020(10) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)(a) and (b)</p>
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<p>Adult</p>	<p>Has a documented intellectual disability or an other developmental disability, but condition(s) and adaptive delays did not exist prior to the age of 18/22. [This would mean that you have evidence that they did not have adaptive behavior impairments prior to 18/22- part of the definition of ID/ID and DD include having adaptive deficits.</p>	<p>...because, although you have [list ID/DD diagnosis] we are unable to document that you had significant impairments in your adaptive behavior prior to the age of 18/22, because [discuss the evidence that you are basing your determination on]. In addition, you do not have an intellectual disability.</p>	<p><u>IDD / DD Diagnosis</u> 411-320-0020(3) 411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7) 411-320-0080(8)</p>
<p>Adult</p>	<p>Person has a <u>history of severe head trauma, significant mental or emotional disorder and/or</u></p>	<p>...because we are unable to determine if you had a condition of intellectual disability (IQ</p>	<p><u>ID/DD</u> 411-320-0020(3) 411-320-0020(11) 411-320-0020(21) 411-320-0080(3) 411-320-0080(4)</p>

	<p><u>evidence of substance abuse</u> post age 18/22 and unable to determine if there were adaptive deficits or a condition of intellectual disability or other developmental disability prior to 18/22.</p> <p>[after following 411-320-0080(8) regarding what to do when there is significant mental or emotional disorder, substance abuse or head trauma]</p>	<p>scores 75 and below), an other developmental disability, and/or significant impairment in adaptive behavior, prior to 18 or 22 respectfully.</p> <p>[explain the reason that you are unable to make the determination that the ID/DD manifested prior to 18/22].</p>	<p>411-320-0080(7) 411-320-0080(8)</p>
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Frequently asked questions

Q: If a person voluntarily leaves services, do we need to issue a NoPA?

A: Yes, you will choose "Voluntarily Terminated" from the drop-down list in the section titled *Planned Action – Your Services are going to be...*

Q: If a person moves out of state, do we need to issue a NoPA?

A: If the person plans to return to Oregon within 12 months, contact ODDS for direction. If the person plans to be out of Oregon for more than 12 months, and is requesting a suspension of services, choose "Voluntarily Suspended" from the drop-down list in the section titled *Planned Action – Your Services are going to be...*

Q: What happens if a person has not contacted the CDDP for over a year and we can't reach him?

A: Send a NoPA to the last known mailing address

Q: Do I have to send a NoPA if I do not have documentation of an applicant's qualified citizen-status?

A: Under 411-320-0080(1)(a)(C) a person must provide documentation of U.S. citizen or alien status as described in 461-115-0704 to apply for developmental disability services. If the criteria in subsection (a) of the application rule are not met, a NoPA must be sent [411-320-0080(1)(a) and (c), and 411-320-0080(10)].

Definitions – OAR 411-320-0020

The following are frequently used definitions:

- **411-320-0020(10) "Current Documentation"**
- **411-320-0020(11) "Developmental Disability"**
- **411-320-0020(21) "Intellectual Disability (ID)"**
- **411-320-0020(3)(e) "Significant impairment"**

References

Notice of Planned Action Instructions ([SDS 0947A](#))

[OAR 411-320](#): Community Developmental Disabilities Rule

Relevant Oregon Administrative Rules

Application & Eligibility

OAR 411-320-0020. Definitions related to eligibility

OAR 461-120-0010. DHS residency rule

OAR 411-320-0080. Application & Eligibility

CDDP responsibilities

OAR 411-320-0080(10). CDDP eligibility determination.

Contacts

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