

Topic:	Eligibility Determination Notices	
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Links:

[DHS Forms Server](#) (SDS 5103, 0947, 5101, DE 80650)
 Secretary of State Community Developmental Disabilities Program (CDDP)
[Eligibility Rules](#)

Overview: This Worker Guide policy is for all CDDP staff who complete eligibility tasks related to eligibility determination notices.

Description: The Eligibility Determination Worker Guide provides instruction for required decision notices:

- Notice of Presumptive Eligibility ([DE 80650](#))
- Notice of Eligibility Determination ([SDS 5103](#))
- Notice of Redetermination ([DHS 5101](#))
- Notification of Planned Action (NOPA) ([SDS 0947](#))

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 Presumptive Eligibility ([DE 80650](#)),

Notice of Eligibility Determination ([SDS 5103](#)), Notice of Redetermination ([DHS 5101](#)), and the Notification of Planned Action (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 NOPA. Use your professional judgment to add or subtract from the recommended language below to make the decision notice simple, clear and specific to the individual’s eligibility determination.

Applicability: This applies to CDDPs; specifically, eligibility specialists and CDDP staff assisting eligibility specialist with eligibility administrative tasks.

Procedures that apply:

Notice timeline:

All decision notices must be sent within 10 business days of a completed application per [OAR 411-320-0080\(13\)](#), and include specific rules based on the individual determination.

Notice procedures:

The Notice Writing table at the end of this guide includes OAR citations of all applicable OARs required for specific eligibility scenarios and recommended language for all notices.

OAR Citation:

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(9)(a)(A); 411-320-0080(9)(a)(B)’. Instead, you could list it as OAR 411-320-0080(9)(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		

Delegation of Authority:

Include OARs 943-001-0020(3), 410-120-0006 and 411-320-0080(2) on all NOPAs and Eligibility Determination Notices.

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.

Records obtained in the eligibility determination process must be listed on notices.

Example: You received medical records, but they were not used in the determination. You still need to list them as records that were reviewed on the notice. If you have a specific report that was used for the eligibility determination, you will need to list that specific report. List as:

Date	Name of record/report/evaluation	Practitioner
10/2015-5/2022	Medical Records; [clinic name]	Various
6/22/2023	Psychological Evaluation	Sunny Day PhD

Documentation of determination notice: All determinations must be:

- Documented in a progress note following OAR 411-320-0080(13);
- Attached in eXPRS eligibility line; and
- A copy of all notices must be kept in the CDDP file.

Relevant Oregon Administrative Rules:

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

[OAR 411-320-0020](#) Definitions related to eligibility;

[OAR 461-120-0010](#) ODHS residency rule;

[OAR 411-320-0080](#) Application & Eligibility; Processing determinations

Definitions:

411-320-0020(11) "Current Documentation"

411-320-0020(12) "Developmental Disability (DD)"

411-320-0020(23) "Intellectual Disability (ID)"

411-320-0020(3)(e) "Significant impairment"

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

Contact: ODDS Diagnosis & Evaluation Unit: odds.de@odhsoha.oregon.gov

ELIGIBILITY NOTICE WRITING GUIDE - 2023

Notice of Redetermination (DHS 5101)

Categories	Reason	Action	Relevant OARs
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.	Refer to: (based on age) 411-320-0080(6)(b), or 411-320-0080(7)(f), or 411-420-0080(8)(d)

Notice of Presumptive Eligibility (DE 80650)

Categories	Reason for Eligibility	Action	Relevant OARs- currently listed on the Notice
All age categories	When an individual meets the criteria for Presumptive Eligibility.	Date of Notice (mailed date), Individual's name, DOB, Effective date, redeterminations completed by date, what's required for full eligibility, ES name, assigned SC/Brokerage, list records.	943-001-0020(3) 410-120-0006 411-320-0080(2) 411-320-0080(5)

Notice of Eligibility Determination (Form SDS 5103)

Categories	Reason for Eligibility	Action	Relevant OARs
All age categories	When an individual meets the criteria for either Intellectual or Other Developmental Disability.	Enter Date of Notice (mailed date), Individual's name, DOB, Effective date, choose eligible or continue to be eligible, condition, Provisional- if applicable, OARs, ES name, assigned SC/Brokerage, list records.	943-001-0020(3) 410-120-0006 411-320-0080(2) Add other relevant OARs (definition, description, and age category)

Early Childhood (Under age 7)	411-320-0080(6)
Early Childhood Assessment with 2 or more areas that are at least 2 standard deviations below the mean (impairments cannot be primarily attributed to non-qualifying conditions).	411-320-0080(6)(a)(A)(i)
Physician's Statement with qualifying developmental disability and impairments in 2 or more areas.	411-320-0080(6)(a)(A)(ii)
ID/DD with testing, and ages 5-7	Carefully consider if eligibility should be completed under Early Childhood Eligibility or School Age Eligibility.

School Age	411-320-0080(7) <i>and ID, DD, or both</i>
Intellectual Disability	411-320-0020(23) and 411-320-0080(3)
Developmental Disability	411-320-0020(12) and 411-320-0080(4)

Adult	411-320-0080(8) <i>and ID, DD, Data Absence, or all that apply</i>
Intellectual Disability	411-320-0020(23) and 411-320-0080(3)
Developmental Disability	411-320-0020(12) and 411-320-0080(4)
Absence of Data in Developmental Years	411-320-0080(9)

Notice of Planned Action NOPA (SDS 0947)

Early Childhood	Reason for Eligibility	Reason for Action	Relevant OARs
Under 7	No current information (within 1 year) is available, and the person/ representative is not collaborating in providing information. (Ex. Guardian isn't returning ROI's)	...because information within the last year is not available and you or your guardian are not collaborating to provide required information.	411-320-0080(6) 411-320-0080(1) 411-320-0080(11)(a) and (c)(A)

Under 7	When there is a Physician's Statement indicating no neurological condition originating in and effecting the brain.	Because your Physician's Statement indicates you do not have a neurological condition, that originates in and directly affects the brain.	411-320-0080(6)(a)(A)(ii)
Under 7	Does not have 2 or more areas impaired	Although you have a qualifying condition of [list the primary qualifying diagnosis] you do not have 2 or more areas of adaptive behavior that are 2 or more standard deviations below the norm.	411-320-0080(6)(a)(A) and (B)
Under 7	Condition and/or impairment is not expected to last indefinitely.	...because your condition/impairment of [list impairment or condition] is not expected to last indefinitely.	411-320-0080(6)(a)(D)
Under 7	Impairment, condition, or syndrome is primarily attributed to another disorder, such as mental or emotional disorder, sensory impairment, motor impairment, substance abuse, personality disorder, learning disability, or ADHD.	...because your impairments are primarily attributed to [list the primary non-qualifying diagnosis] .	411-320-0080(6)(a)(C)

School Age	Reason for Eligibility	Reason for Action	Relevant OARs- School Age
School Age	IQ scores are over 75. 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(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)
School Age	No current information (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(11) 411-320-0080(1) 411-320-0080(7) 411-320-0080(11)(a) and (c)(A)

School Age and/or Adult	Reason For Eligibility	Reason for Action	Relevant OARs-School Age	Relevant OARs-Adult
School Age/Adult	No significant impairment in adaptive behavior; Composite and Domain scores is 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.]	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...	411-320-0020(3)(e) 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)(c)	411-320-0020(3)(e) 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8)(a)
School Age/Adult	No diagnoses of an other qualifying developmental disability and IQ scores are over 75.	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>School-Age:</u> 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)	<u>Adult:</u> 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8)

School Age/ Adult	Impairments in adaptive behavior is not directly related to an intellectual disability or other developmental disability.	...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>School age:</u> 411-320-0080(3)(b) 411-320-0080(4)(c) 411-320-0080(7)	<u>Adult:</u> 411-320-0080(3)(b) 411-320-0080(4)(c) 411-320-0080(8)
School Age/ Adult	Individual has a current DD diagnosis of "provisional", "partial", "rule-out", or "un-specified" condition which do not meet the full criteria.	...because your condition of [list "provisional", "partial", "rule-out", or "un-specified" DD condition] , does not meet the full criteria.	<u>School Age:</u> 411-320-0020(12) 411-320-0080(4)(a) 411-320-0080(7)	<u>Adult:</u> 411-320-0020(12) 411-320-0080(4)(a) 411-320-0080(8)
School Age/ Adult	Individual has FSIQ of 71-75 and a current diagnosis of a "borderline", "provisional", "partial", "rule-out", or "un-specified" do not meet the full criteria. [This means an adaptive or other current information has indicated they do not meet ID criteria].	Although you have a FSIQ of [list FSIQ] , you do not have a formal diagnosis of an intellectual disability by a qualified professional.	<u>School Age:</u> 411-320-0020(23) 411-320-0080(3)(a) (C)(ii) and (iii) 411-320-0080(7)	<u>Adult:</u> 411-320-0020(23) 411-320-0080(3)(a) (C)(ii) and (iii) 411-320-0080(8)

School Age/ Adult	It is unknown whether the condition will last indefinitely or is suspected that it will not last indefinitely.	We are not able to determine that your condition will last indefinitely.	School Age: 411-320-0020(20) 411-320-0080(7) AND (ID) 411-320-0080(3)(c) OR (DD) 411-320-0080(d)	<u>Adult:</u> 411-320-0020(20) 411-320-0080(8) AND (ID) 411-320-0080(3)(c) OR (DD) 411-320-0080(d)
School Age/ Adult	Training and supports are NOT similar to an intellectual disability. The Composite and all domain area scores are over 70. DD Determinations only- Does not apply to ID.	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 definition for “significant impairments in adaptive behavior” then you should include language and OAR 411-320-0020(3)(e)].	<u>School Age:</u> 411-320-0020(12) 411-320-0020(13) 411-320-0080(4) (a)(C) and (b) 411-320-0080(7)	<u>Adult:</u> 411-320-0020(12) 411-320-0020(13) 411-320-0080(4)(a)(C) and (b) 411-320-0080(8)

<p>School Age/ Adult</p>	<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 diagnosis and significant impairment prior to age 22.</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 DD diagnosis]. Specifically, previous reports from [list reports from other qualified professionals] did not support this diagnosis. In addition, you do meet our criteria for an intellectual disability (FS 75 or under).</p>	<p><u>School age:</u> 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)</p>	<p><u>Adult:</u> 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8)</p>
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<p>School Age/ Adult</p>	<p>IQ and/or adaptive testing is not considered 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 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>...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.</p> <p>OR</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>	<p><u>School age:</u> 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(7)</p>	<p><u>Adult:</u> 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8)</p>
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Adult	Reason For Eligibility	Reason For Action	Relevant OARs-Adult
Adult	No documentation (or only current information and no history) of an intellectual disability or an other DD prior to the age of 18 or 22 respectively 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 411-320-0080(9) of what to do in the absence of data in developmental years]	...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].	411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8) 411-320-0080(9)
Adult	No current information is available, or the person is refusing to have additional testing completed. OR Adult testing is required but there is no adult testing available and the individual refusing to complete a new psychological evaluation.	...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. OR ...because there is no adult testing available and you are not interested/ willing to complete a new psychological evaluation.	411-320-0020(11) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8)(a) and (b)

Adult	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.	...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.	<u>ID/DD Diagnosis:</u> 411-320-0020(3) 411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8) 411-320-0080(9)
Adult	Person has a history of severe head trauma, significant mental or emotional disorder and/or evidence of substance abuse post age 18/22 and unable to determine if there were adaptive deficits or a condition of intellectual disability or other dev disability prior to 18/22. [after following 411-320-0080(9) regarding what to do when there is significant mental or emotional disorder, substance abuse or head trauma].	...because we are unable to determine if you had a condition of intellectual disability (IQ scores 75 and below), an other developmental disability, and/or significant impairment in adaptive behavior, prior to 18 or 22 respectfully. [explain the reason that you are unable to make the determination that the ID/DD manifested prior to 18/22].	411-320-0020(12) 411-320-0020(23) 411-320-0080(3) 411-320-0080(4) 411-320-0080(8) 411-320-0080(9)