

# FOOTHILLS GATEWAY, INC.

## Determination of Developmental Disability and Developmental Delay

### **POLICY:**

It shall be the policy of Foothills Gateway, Inc. that a Determination of Developmental Disability be made for person's who submit a written request, to determine whether the applicant meets the criteria for developmental disability, as defined in the Code of Colorado Regulations at 10 CCR 2505.10 Section 8.607.2 and therefore may be eligible to receive services and supports pursuant to Sections 25.5-10-202(2) and 211, C.R.S.

Foothills Gateway shall determine if an applicant has a Developmental Delay if under the age of 5 years old following the criteria stated in 10 CCR 2505.10, Section 8.600.4.

### **PROCEDURE - Determination of Developmental Disability**

- A. A developmental disability determination must be completed, and the person must be eligible, prior to any enrollment, except for a child enrolling in the Children's HCBS Waiver.
- B. A request for determination of developmental disability shall be submitted to the Community Centered Board (CCB) in the designated service area where the person resides, including temporary residence such as incarceration or hospitalization.
- C. The Intake Case Managers at Foothills Gateway will be responsible to assist individuals requesting a determination of developmental disability and will:
  1. Provide the applicant with the required forms and a list of the minimum required documents and information necessary for the determination.
  2. Provide the applicant with information on where to obtain testing for the level of intellectual functioning and adaptive behavior, if requested. The responsibility for obtaining such assessments shall be with the applicant and/or legal guardian.
  3. Enter the referral and case management activities in the Benefits Utilization System (BUS) for anyone over the age of 5 or children under 5 applying for the following: CHCBS, CES or CHRP Waivers.
- D. The Case Manager may request additional documentation and/or information to complete the determination of developmental disability.
- E. The applicant and/or legal guardian shall provide all documentation and information necessary for the determination of developmental disability within ninety (90) calendar days.
  1. In an attempt to meet the 90-day timeline, the Intake Case Manager will contact the person/guardian to check on the status of the application and offer any assistance or answer any questions 80 days after the intake call was received. All contacts must be documented in the BUS.
- F. The applicant and/or legal guardian may have additional assessments completed and submitted to the CCB to be considered as part of the determination request.

- G. If the documentation and information necessary for the determination is not received within ninety (90) calendar days of the request, Foothills Gateway will:
1. Notify the applicant by letter / email of the timeline requirements. The Case Manager must log note in the BUS that the letter/email was sent.
  2. Offer applicant a one-time extension up to an additional ninety (90) calendar days, not to exceed 180 days from the original request date. The Case Manager must log note that the family chose to request the extension and note the new date by which the application must be received.
  3. If the extended deadline for providing the necessary documentation and information has expired and there is still insufficient information to make a determination of developmental disability, the Case Manager shall close the request and notify the applicant and/or legal guardian in writing. The Case Manager must log note that the time has expired and that all the documentation needed to make a DD Determination was not received.
- H. Information and Assessments used to determine a developmental disability must be current and meet the requirements set by the State:
1. Adaptive Behavior assessments completed within three (3) years of the request, by a qualified professional, using instruments that are comparable to a Vineland-II.
  2. Assessments of Intellectual functioning completed by a psychologist, using instruments that are comparable to the latest version of a Wechsler or Stanford-Binet:
    - i. If the individual is between 5 and 18 years of age, at least one intellectual assessment is needed to determine the person's impairment of intellectual functioning: or,
    - ii. If the individual is 18 or older and there is only one intellectual assessment available, the assessment must have been completed when the person was at least 18 years of age and within 10 years of the request; or,
    - iii. If there is a historical pattern of consistent scores, based on 2 or more intellectual assessments, that demonstrates an impairment of intellectual functioning, assessments may be used regardless of the person's age at the time of determination.
  3. An established neurological condition will be documented as follows:
    - i. A diagnosed neurological condition as determined by a licensed medical professional practicing within the scope of his/her license; or,
    - ii. If a specific diagnosis is not possible, a written statement from a licensed medical professional, or a licensed psychologist may be used as long as there is a documented effort to determine a diagnosis and the available assessment information reasonably supports a conclusion that a neurological impairment is present.
  4. The effects of mental illness or physical or sensory impairment must be considered to determine the extent to which such impairments are the sole

- contributing factor to the impairment of intellectual functioning or limitations to adaptive behavior.
- I. The determination decision will be made within 30 calendar days of the receipt of all necessary information.
1. The Case Manager will complete a written and/or electronic record of the developmental disability determination on the State prescribed form, which will be maintained in the individual's permanent file. The record will include:
    - i. Name, date of birth, and social security number of applicant.
    - ii. The date of the determination of developmental disability, which is the date the request for determination and all necessary documentation was received by Foothills Gateway.
    - iii. A description of the rationale for the developmental disability determination including the assessment information (test, date, who administered the assessment, scores) and diagnoses.
    - iv. The names and titles of the persons involved in making the determination.
  2. The determination information will be reviewed by the Lead Intake Case Manager. If necessary, the Placement Coordinator or the professional providing information, will be consulted before making a decision.
  3. The applicant will be notified of the determination decision in writing, within seven (7) calendar days of the date of the decision. This letter will be kept in the person's main file.
    - i. For the person determined to have a developmental disability, the letter will be sent out by the intake administrative assistant. The letter will include an explanation of the process that will occur, including the need to develop an Individual Plan.
    - ii. The information will be provided in such alternative means of communication as to reasonably ensure that the information has been communicated in an understandable form.
    - iii. For persons determined not to have a developmental disability, the Lead Intake Case Manager will type up the letter explaining why the person did not meet criteria. The Lead Intake Case Manager will give the letter to the Case Manager who submitted the DD Determination. The Case Manager is responsible for sending out the letter with the 803, and LTC Notice of Action with appeal rights.
- J. Determination information will be entered into the Community Contract and Management System (CCMS) data base within ten (10) business days of the final DD Determination decision.
- K. The Case Manager will ensure that all IQ and/or adaptive testing provided to determine the developmental disability are signed by a licensed medical professional and will be maintained in the individual's file.
- L. Applicants determined not to have a developmental disability may request a new determination at any time upon receipt of new or missing required information, and a new request date will be established.

- M. Applicants determined to have a developmental disability by another CCB will be accepted by Foothills Gateway.
- N. A determination of developmental disability is considered permanent and does not require review unless:
  - 1. The interdisciplinary team determines that developmental disability services are no longer needed due to improvement in a person's condition and recommends a redetermination, or,
  - 2. Information from a new evaluation becomes available which demonstrates sufficient improvement in a person's condition such that the determination should be reviewed.

## **PROCEDURE - Determination of Developmental Delay**

Definitions and Criteria of a Developmental Delay per section 8.600.4:

“Developmental Delay” means that a child meets one or more of the following:

- A. A child who is less than five (5) years of age at risk of having a developmental disability because of the presence of one or more of the following:
  - 1. Chromosomal conditions associated with delays in development
  - 2. Congenital syndromes and conditions associated with delays in development
  - 3. Sensory impairments associated with delays in development
  - 4. Metabolic disorders associated with delays in development
  - 5. Prenatal and perinatal infections and significant medical problems associated with delays in development
  - 6. Low birth weight infants weighing less than 1200 grams
  - 7. Postnatal acquired problems resulting in delays in development.
- B. A child less than five (5) years of age who is significantly delayed (25% or greater) in development when compared with chronological age, in one or more of the following areas:
  - 1. Communication
  - 2. Adaptive behavior
  - 3. Social-emotional
  - 4. Motor
  - 5. Sensory
  - 6. Cognition
- C. A child less than three (3) years of age who lives with a parent who has been determined to have a developmental disability by a Community Centered Board.

## **PROCEDURE:**

A referral that comes through our Intake Department:

- 1. If an Intake Case Manager receives a call regarding a child that is between the ages of 3 years old and 5 years old, they will need to complete a Developmental Delay Determination.

2. The Intake Case Manager will assist the family in getting documentation showing that the child has a delay in the areas of Communication, Adaptive Behavior, Social Emotional, Motor, Sensory, and/or Cognition.
3. Once the Intake Case Manager has the documentation needed from a medical professional, they will use this information to type up a Developmental Delay form.
4. They will send the form to the Lead Intake Case Manager for review and to decide if the child meets the delay criteria.
5. If eligible, the Intake Case Manager will need to develop an Individualized Plan within 30 days of the decision.
6. If not eligible, the family will be notified within two business days via a letter explaining why the child did not meet the criteria and the file will be closed out.

### **Delay Determinations for Children aging out of Early Intervention:**

1. The Part C/EI Coordinator will obtain a copy of the latest evaluation that was completed on the child.
2. After the assessment and results are sent to the Part C/EI Coordinator. The Part C/EI Coordinator will review the evaluation and fill out a Developmental Delay Form. They will send the form to the Lead Intake Case Manager.
3. The Lead Intake Case Manager will review and process the Developmental Delay \*\*

### **Delay Determinations for a child remaining in EI but going to apply for FSSP, CES or CHRP Waiver**

1. The Part C/EI Coordinator will use the latest evaluation completed on the child and type up the Developmental Delay form.
2. The Part C/EI Coordinator will send the Delay form to their Lead EI Coordinator, they will review the Developmental Delay form and determine whether the children meets the Developmental Delay criteria.
3. Once a decision has been made, the Lead EI Coordinator will let the Part C/ EI Coordinator know and route the form to the child's file and make sure this information is entered in the data base.

For more information refer to Early Intervention Policies around accessing Early Intervention Services.

### **PASRR DD Determinations**

Foothills Gateway is responsible for completing the DD Determinations for people needing to go into a Nursing Home Setting.

### **PROCEDURE:**

- A. The Placement Coordinator will receive an email notification from Telligen stating that someone needs to be determined to have a Developmental Disability.

- B. The Placement Coordinator will search our systems for the person to see if they have previously been determined to have a disability.
- C. If the person has already gone through the DD Determination process, the Placement Coordinator will send Telligen the DD Determination form which includes the decision of the determination, testing used to make the determination.
- D. If the person has not gone through the DD Determination process, then the Placement Coordinator will reach out to the Lead Intake Case Manager, who will assign an Intake Case Manager to get the DD Determination completed.
- E. The Intake Case Manager (ICM) is responsible for reaching out to the nursing facility to explain the process. The ICM will send the application to the appropriate person and include the list of psychologists that can administer the testing needed to make the DD Determination.
- F. Once the Intake Case Manager receives all the necessary documentation, he/she will review the information, complete the DD Determination form and send it to the Lead Intake Case Manager for review and to determine whether or not the person meets DD Determination criteria. A letter will be typed up stating whether or not the person meets the developmental disability criteria.
- G. The Lead Intake Case Manager will send the Placement Coordinator the signed DD Determination form, the testing used to make the decision and the letter. The Placement Coordinator will send all of this information to Telligen.
- H. Telligen will notify us if we need to move forward with a OBRA SLS admission.

8/89 ....6/20, 12/20, 12/21