

STATE OF ALASKA DEPARTMENT OF HEALTH & SOCIAL SERVICES DIVISION OF SENIOR AND DISABILITIES SERVICES POLICY & PROCEDURE MANUAL	SECTION: Developmental Disabilities	Number: 8-1	Page: 1
	SUBJECT: Developmental Disability Determinations		
	APPROVED:		DATE:

Purpose

To provide a uniform method of determining whether a person experiences a developmental disability as defined in AS 47.80 900 (6), for the purpose of qualifying for state-funded developmental disabilities services.

Policy

SDS determines whether an individual meets the criteria for being determined developmentally disabled with functional limitations substantial enough to qualify for state-funded developmental disabilities services. This determination of developmental disability (called “DD eligible”) allows access to state-funded developmental disabilities community grant services, as available, and the opportunity to register with SDS for assessment for IDD home and community based waiver services when funding becomes available (pursuant to Policy and Procedure Number 4-3).

An individual interested in receiving a developmental disability determination submits a complete application to SDS. An SDS Qualified Intellectual Disabilities Professional (QIDP) evaluates the complete application based on the criteria set forth in AS 47.80 900 (6).

The QIDP makes one of three decisions based on the contents of the application: 1) the applicant is determined developmentally disabled with functional limitations substantial enough to qualify for state-funded developmental disabilities grant services (is “DD eligible”); 2) the applicant is denied due to the application having incomplete information or insufficient documentation; or 3) the applicant is determined to not be developmentally disabled, so is denied “DD eligible” status.

Individuals who are determined to be DD eligible may seek developmental disabilities community grant-funded services from agencies, as available. These individuals may also complete the developmental disabilities registration and review (DDRR) process to be evaluated for IDD home and community based waiver services when funding becomes available.

Individuals who receive denials have 30 days to submit additional information prior to their files being closed. Individuals who have their files closed may reapply at any time.

Authority

AS 47.80.900 (6) definition of “person with a developmental disability”

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Definitions

“Applicant” means an individual who has submitted an application for being determined developmentally disabled.

“Complete application” means a Developmental Disabilities Determination application with all sections complete and signed by the applicant or legal representative. A complete application must include assessments and evaluations, dated and signed by the professionals who have administered them, that document the applicant’s current functional levels in the areas listed in section (D) of AS 48.80.900(6). Applications signed by anyone other than a parent of a minor child or an applicant who is 18 or older must include copies of court or Power of Attorney documents designating the signer’s authority as the applicant’s legal representative.

“DD eligible” means an individual who has submitted an initial application for a developmental disability determination and who has received an approval letter from SDS stating that s/he experiences a substantial developmental disability, as defined in AS 47.80.900 (6):

(6) "person with a developmental disability" means a person who is experiencing a severe, chronic disability that

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

“Developmental Disability Determination” (DDD) means the application form used to seek a determination of developmental disability.

“Developmental Disability Registration and Review” (DDRR) means the assessment form that, when completed, allows an individual who has been found “DD eligible” to be considered for further evaluation when IDD home and community based waiver services funding becomes available. DDRR status should be updated annually.

“Developmental disabilities services” means both grant-funded services and the Intellectual and Developmental Disabilities (IDD) waiver program.

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“Early Intervention/Infant Learning Program” means Part C of the Individuals with Disabilities Education Act.

“Evaluation Summary and Eligibility Report” (ESER) means the report issued by a school district evaluating a student for eligibility for special education services.

“Grant-funded services” means services funded through programs managed by provider agencies with grant awards from SDS.

“Individual Education Program” means Part B of the Individuals with Disabilities Education Act.

“Intermediate care facility for individuals with intellectual disabilities” (ICF/IID) means a facility that is primarily for the diagnosis, treatment, habilitation, or rehabilitation of people with intellectual and developmental disabilities or related conditions and that has met the conditions for payment set out in 7 AAC 140.600.

“Legal representative” means a parent of a minor child or an individual with legal authority to act on behalf of an applicant. An individual age 18 and older without a court-appointed guardian or Power of Attorney is his or her own legal representative.

“Qualified Intellectual Disabilities Professional” (QIDP) means an SDS employee who meets the requirements of 7 AAC 140.640.

“Registry” means the list of applicants who have been found to be DD eligible, have completed the DDRR, and are waiting for an evaluation for home and community based waiver services.

“Reasonable person standard” means that a typical person with no specialized knowledge or training would consider a decision to be logical.

“STAR agency/STAR coordinator” means the Short-Term Assistance and Referral entity/individual tasked with helping people with developmental disabilities and their families to address short-term needs, such as applying for developmental disability determination using the DDD, and registering with SDS for evaluation when waiver services funding becomes available, by completing the DDRR.

“Substantial functional limitation” means consistently functioning at or near a level that is two standard deviations delayed, or 25% delayed, or functioning at or below the 2nd percentile, compared to the typical functioning of same age peers. Substantial functional limitation must be demonstrated globally in areas of major life activity, as defined in AS 47.80.900 (6)(D).

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Responsibilities

1. The **applicant** or **legal representative** is responsible for:
 - a. submitting a complete DDD application, including supporting documentation, for a developmental disability determination,
 - b. re-applying using the DDD application for developmental disabilities determination, if DD eligibility is approved provisionally and continued need exists after the eligibility termination date,
 - c. completing the Developmental Disabilities Registration and Review (DDRR) to register for assessment for home and community waiver services, when available, and
 - d. maintaining current contact information with SDS, by submitting a completed DDRR at least annually, and more frequently, if necessary.
2. The **STAR program coordinator** is responsible for
 - a. advising the applicant or representative of eligibility requirements, and
 - b. assisting the applicant or representative with submitting a complete application, upon request.
3. The **SDS QIDP** is responsible for
 - a. reviewing each application and supporting documentation,
 - b. determining whether the applicant experiences a substantial developmental disability, as defined in AS 47.80.900 (6),
 - c. notifying the applicant of the determination decision, and
 - d. informing those applicants who are found eligible for state grant-funded services that they may submit a Developmental Disabilities Registration and Review (DDRR) form.

Procedures

A. Timeframes

1. Within 30 business days of receipt of the complete application, SDS makes a decision whether the applicant is DD eligible.
2. Within five business days of the DD eligibility determination, SDS issues written notification of the decision to the applicant or representative.

B. Application for services

1. The applicant and/or legal representative compiles and submits a complete application.
2. The SDS Qualified Intellectual Disabilities Professional (QIDP) determines whether the applicant experiences a developmental disability as defined by Alaska Statute 47.80.900(6):
 - a. for applicants who do not meet the determination requirements, notifies the applicant in writing that DD eligibility is denied because the statutory definition has not been met;

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- b. for applicants whose eligibility cannot be determined because insufficient information was provided, notifies the applicant in writing that DD eligibility is denied pending submission of additional documentation that may enable a determination; or
- c. for applicants who do meet the DD eligibility requirements, notifies the applicant in writing that
 - 1. DD eligibility was determined, and if the approval is provisional (time-limited), includes an end date,
 - 2. The applicant can seek grant-funded services, as available, from a DD provider agency, and
 - 3. The applicant can complete the DDDR for evaluation when IDD home and community based waiver services funding becomes available.

C. Re-determination of eligibility:

- 1. An individual's eligibility for developmental disabilities services may be re-evaluated by SDS at the following times:
 - a. When considered for selection from the Registry for IDD home and community based waiver services;
 - b. When identified as a transition candidate from one Home and Community Based (HCB) waiver to another HCB waiver;
 - c. As specified in the initial eligibility determination letter regardless of funding source, and at the following approximate ages:
 - i. **Four** years of age,
 - ii. **Seven** years of age,
 - iii. **Sixteen** years of age; and
 - iv. **Between 18-22 years of age; and**
 - d. at the discretion of the department.
- 2. The re-determination process requires that a new DDD application is submitted with recent supporting documentation.

ATTACHMENTS:

- A) General Description of Life Areas from AS 47.80.900(6)(D) Assessed for Functional Abilities
- B) Supporting Documentation
- C) Developmental Disabilities Determination Application