

ARKANSAS DEPARTMENT OF HUMAN SERVICES
 DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
 DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	Agency Definition of Disability/Eligibility for Services	1035

1. Purpose. This policy has been prepared to set minimum parameters for determining eligibility to receive services from Developmental Disabilities Services.
2. Scope. All individuals and their families applying for services offered by DDS.
3. Definitions. For purposes of agency-wide activity; Primary Disability/Condition, Primary Diagnosis, and Other Disabilities are defined as follows:
 - A. Primary Disability - That condition which renders the most serious impairment and/or condition which has the greatest impact on an individual's ability to function, as outlined in Arkansas Statute Ann. 20-48-101 (~~Act 513 of 1981~~).
 - B. Primary Diagnosis - A medical designation, determined by a physician, usually denoting etiology of disabling condition.
 - C. Other Disabilities - Any condition(s) which accompanies the primary disability, and further hinders the development of an individual.
4. Eligibility Criteria.
 - A. Diagnosis of developmental disability under definition cited in Arkansas Statute Code Ann. 20-48-101 and ~~Act 729 of 1993~~.
 - 1) Is attributable to ~~mental retardation~~ intellectual disability, cerebral palsy, spina bifida, Down syndrome, epilepsy or autism spectrum disorder.
 - a. ~~Mental Retardation~~ Intellectual Disability - As established by scores of intelligence which fall two or more standard deviations below the mean of a standardized test of intelligence administered by a legally qualified professional; Infants/Preschool, 0-5 years - developmental scales, administered by qualified personnel authorized in the manual accompanying the instrument used, which indicate impairment of general functioning similar to that of developmentally disabled persons;
 - b. Cerebral Palsy - As established by the results of a medical examination provided by a licensed physician;
 - c. ~~Spina bifida~~ - As established by the results of a medical examination provided by a licensed physician.
 - d. ~~Down syndrome~~ - As established by the diagnosis of a licensed physician.

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cc. Epilepsy - As established by the results of a neurological and/or licensed physician;

df. Autism Spectrum Disorder - As established by the results of a team evaluation including at least a licensed physician and a licensed psychologist and a licensed Speech Pathologist;

NOTE: Each of these four conditions is sufficient for determination of eligibility independent of each other. This means that a person who is ~~mentally-retarded~~ intellectually disabled does not ~~to~~ have to have a diagnosis of autism spectrum disorder, or have epilepsy, spina bifida, down syndrome, or have cerebral palsy. Conversely, a person who has autism spectrum disorder, or has cerebral palsy, or has epilepsy, spina bifida, or Down syndrome does not have to have ~~mental-retardation~~ an intellectual disability to receive services.

2) Is attributable to any other condition of a person found to be closely related to ~~mental-retardation~~ intellectual disability because it results in impairment of general intellectual functioning or adaptive behavior similar to those of persons with ~~mental-retardation~~ intellectual disability or requires treatment and services similar to those required for such persons. This determination must be based on the results of a team evaluation including at least a licensed Physician and a licensed Psychologist.

a) NOTE: In the case of individuals being evaluated for service, eligibility determination shall be based upon establishment of intelligence scores which fall two or more standard deviations below the mean of a standardized test of intelligence OR, is attributable to any other condition found to be closely related to ~~mental-retardation~~ an intellectual disability because it results in impairment of general intellectual functioning or adaptive behavior similar to those of persons with an intellectual disability, or requires treatment and services similar to those required for such persons.

b.) Persons age 5 and over will be eligible for services if their I.Q. scores fall two or more standard deviations below the mean of a standardized test.

~~adaptive behavior similar to those of persons with mental-retardation, or requires treatment and services similar to those required for such~~

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persons. In other words, persons age 5 and over will be eligible for services if their I.Q. scores fall two or more standard deviations below the mean of a standardized test.

c.) For persons ages 3 to 5, eligibility is based on an assessment that reflects functioning on a level two or more standard deviations from the mean in two or more areas as determined by a standardized test.

d.) For infants and toddlers 0-36 months, eligibility for DDS Services will be indicated by a 25% delay in two or more areas based on an assessment instrument which yields scores in months. The areas to be assessed include: cognition; communication; social/emotion; motor; and adaptive.

- 3) Is attributable to dyslexia resulting from ~~mental retardation~~ intellectual disability, cerebral palsy, epilepsy, spina bifida, Down syndrome or autism spectrum disorder as established by the results of a team evaluation including at least a licensed Physician and a licensed Psychologist.

NOTE: In the case of individuals being evaluated for service, eligibility shall be based upon their condition closely related to ~~mental retardation~~ an intellectual disability by virtue of their adaptive behavior functioning.

- B. The disability must originate prior to the date the person attains the age of twenty - two (22).

NOTE: When age becomes a factor in eligibility determination under the Arkansas Law, such a case will be evaluated on its own merit as to whether the condition resulting from the disability was present before age twenty - two (22). In such cases, the determining authority will be the Assistant Director of Client Services and/or the Director for Developmental Disabilities Services.

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- C. The disability has continued -or can be expected to continue indefinitely.
 - D. The disability constitutes a substantial handicap to the person's -ability -to -function without appropriate support services including, but not limited to, daily living and social activities, medical services, physical therapy, speech therapy, occupational therapy, job training and employment.
5. Services. Given the availability of funds and subject to budget restrictions, - DDS will provide services to eligible persons.
6. Appeal. Should the individual and parent/guardian disagree with the decision made, they retain the right of appeal following DDS Policy #1076.

Replacement Notation: This policy replaces DDS Commissioner's Office Policy 1035, Eligibility for Services, effective June 29, 1981; May 10, 1982; and October 7, 1983 and DDS Deputy Director's Policy #1035, January 8, 1987; December 1, 1993.

Effective Date:

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References: Arkansas Code Ann. 20-48-101, DDS Policy #1075 and DDS Policy #1020

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council:

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ATTACHMENT 1

DDS Administrative Policy No. 1035 – Agency Definition of Disability/
Eligibility for Services

1. Referral is to include a memorandum by DDS Counselor with reason(s) for referral, why DDS eligibility is not clear, what are the reasons for dispute, and the referring person's own recommendation.
2. Adaptive Behavior Scale (within the last year).
3. Current Medical status (within the last year).
4. Psychological evaluation (within the last year) if eligibility request is based on psychological reasons.
5. Results of special evaluations relevant to eligibility determination.
6. Documentation by Service Coordinator of client observation within the last three (3) months.
7. Social History completed within the last 90 days by DDS Counselor.
8. The most recent Individual Education Plan if person is school age.
9. For individuals who are not school age, program plan of current or past services providers, if any.

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 - B. Primary Diagnosis - A medical designation, determined by a physician, usually denoting etiology of disabling condition.
 - C. Other Disabilities - Any condition(s) which accompanies the primary disability, and further hinders the development of an individual.
4. Eligibility Criteria.
 - A. Diagnosis of developmental disability under definition cited in Arkansas Code Ann. § 20-48-101.
 - 1) Is attributable to intellectual disability, cerebral palsy, spina bifida, Down syndrome, epilepsy or autism spectrum disorder.
 - a. Intellectual Disability - As established by scores of intelligence which fall two or more standard deviations below the mean of a standardized test of intelligence administered by a legally qualified professional; Infants/Preschool, 0-5 years - developmental scales, administered by qualified personnel authorized in the manual accompanying the instrument used, which indicate impairment of general functioning similar to that of developmentally disabled persons;
 - b. Cerebral Palsy - As established by the results of a medical examination provided by a licensed physician;
 - c. Spina bifida – As established by the results of a medical examination provided by a licensed physician.
 - d. Down syndrome – As established by the diagnosis of a licensed physician.

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- e. Epilepsy - As established by the results of a neurological and/or licensed physician;
- f. Autism Spectrum Disorder - As established by the results of a team evaluation including at least a licensed physician and a licensed psychologist and a licensed Speech Pathologist;

NOTE: Each of these four conditions is sufficient for determination of eligibility independent of each other. This means that a person who is intellectually disabled does not have to have a diagnosis of autism spectrum disorder, epilepsy, spina bifida, down syndrome, or cerebral palsy. Conversely, a person who has autism spectrum disorder, cerebral palsy, epilepsy, spina bifida, or Down syndrome does not have to have an intellectual disability to receive services.

- 2) Is attributable to any other condition of a person found to be closely related to intellectual disability because it results in impairment of general intellectual functioning or adaptive behavior similar to those of persons with intellectual disability or requires treatment and services similar to those required for such persons. This determination must be based on the results of a team evaluation including at least a licensed Physician and a licensed Psychologist.
 - a) In the case of individuals being evaluated for service, eligibility determination shall be based upon establishment of intelligence scores which fall two or more standard deviations below the mean of a standardized test of intelligence OR, is attributable to any other condition found to be closely related to an intellectual disability because it results in impairment of general intellectual functioning or adaptive behavior similar to those of persons with an intellectual disability, or requires treatment and services similar to those required for such persons.
 - b) Persons age 5 and over will be eligible for services if their I.Q. scores fall two or more standard deviations below the mean of a standardized test.
 - c) For persons ages 3 to 5, eligibility is based on an assessment that reflects functioning on a level two or more standard deviations from the mean in two or more areas as determined by a standardized test.

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d.) For infants and toddlers 0-36 months, eligibility for DDS Services will be indicated by a 25% delay in two or more areas based on an assessment instrument which yields scores in months. The areas to be assessed include: cognition; communication; social/emotion; motor; and adaptive.

3) Is attributable to dyslexia resulting from intellectual disability, cerebral palsy, epilepsy spina bifida, Down syndrome or autism spectrum disorder as established by the results of a team evaluation including at least a licensed Physician and a licensed Psychologist.

NOTE: In the case of individuals being evaluated for service, eligibility shall be based upon their condition closely related to an intellectual disability by virtue of their adaptive behavior functioning.

B. The disability must originate prior to the date the person attains the age of twenty - two (22).

NOTE: When age becomes a factor in eligibility determination under the Arkansas Law, such a case will be evaluated on its own merit as to whether the condition resulting from the disability was present before age twenty-two (22). In such cases, the determining authority will be the Assistant Director of Client Services and/or the Director for Developmental Disabilities Services.

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- C. The disability has continued or can be expected to continue indefinitely.
 - D. The disability constitutes a substantial handicap to the person's ability to function without appropriate support services including, but not limited to, daily living and social activities, medical services, physical therapy, speech therapy, occupational therapy, job training and employment.
5. Services. Given the availability of funds and subject to budget restrictions, DDS will provide services to eligible persons.
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