

STATE OF COLORADO



Colorado Department of Human Services

people who help people

OFFICE OF ADULT, DISABILITY, AND REHABILITATION SERVICES
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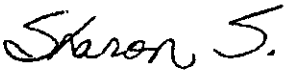


Bill Ritter, Jr.
Governor

Karen L. Beye
Executive Director

DIRECTIVE MEMORANDUM

TO: CCB Executive Directors
CCB Case Management Directors

FROM: Sharon Jacksi, Ph.D. Director DDD 

SUBJECT: Regarding Eligibility for Developmental Disabilities Services

DATE: June 19, 2008

PURPOSE: To provide additional direction to Community Centered Boards regarding the criteria to be used in determinations of eligibility for developmental disabilities services.

BACKGROUND:

The Department of Human Services received a request from The Resource Exchange asking for more direction regarding the determination of eligibility for developmental disabilities services. At issue was the meaning of the phrase "substantial cognitive deficits" used in the definition of *Developmental Disabilities* in Department Rules at 16.120. In response, the Department issued a Declaratory Order (Case Number DD 08-002).

The Declaratory Order provides direction to The Resource Exchange stating that, absent further direction from the Division for Developmental Disabilities (DDD), a reasonable approach to defining this term could be an IQ between 70 and 85. In addition, the Order strongly urged DDD to proceed with rule making in order to provide sufficient direction via rules.

DDD has initiated rule making and is defining this phrase more in line with current practice than what was proposed by the Declaratory Order. This revision to the current rule defining *Developmental Disabilities* will go before the State Board of the Department of Human Services for first reading at the July meeting and for second reading at the August meeting with an effective date of October 1, 2008. The purpose of this Directive is to provide the developmental disabilities system with the specific interim direction for implementation immediately pending final rule adoption in October.

DIRECTIVE:

Community centered boards shall use the following definition and criteria when determining whether an applicant is eligible for developmental disabilities services. You will note that the old paragraphs B and C are now combined and that there is a new sub-paragraph under B. For ease of review, major changes are in bold type.

Developmental Disability means a disability that is manifested before the person reaches twenty-two (22) years of age, which constitutes a substantial disability to the affected individual, and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the federal definition of "Developmental Disability" found in 42 U.S.C. 6000, et seq., shall not apply.

A. Impairment of general intellectual functioning means that the person has been determined to have an intellectual quotient equivalent which is two or more standard deviations below the mean (70 or less assuming a scale with a mean of 100 and a standard deviation of 15), as measured by an instrument which is standardized, appropriate to the nature of the person's disability, and administered by a qualified professional. The standard error of measurement of the instrument should be considered when determining the intellectual quotient equivalent. When an individual's general intellectual functioning cannot be measured by a standardized instrument, then the assessment of a qualified professional shall be used.

B. Adaptive behavior similar to that of a person with mental retardation means that the person has overall adaptive behavior which is **two or more standard deviations below the mean** in two or more skill areas (communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work), as measured by an instrument which is standardized, appropriate to the person's living environment, and administered and clinically determined by a qualified professional. **These** adaptive behavior limitations are a direct result of, or are significantly influenced by, the person's substantial **intellectual** deficits and may not be attributable to only a physical or sensory impairment or mental illness.

Substantial intellectual deficits means an intellectual quotient that is between 71 and 75 assuming a scale with a mean of 100 and a standard deviation of 15, as measured by an instrument which is standardized, appropriate to the nature of the person's disability, and administered by a qualified professional. The standard error of measurement of the instrument should be considered when determining the intellectual quotient equivalent.

EFFECTIVE DATE: June 20, 2008

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