

**Department of Human Services
Interim Human Services Committee
Representative Kathy Hogan, Chairman
November 3, 2015**

Chairman Hogan, and members of the Interim Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities Division of the Department of Human Services (Department). I am here today to provide an update on the study of eligibility for the developmental disability waiver pursuant to Section 1 of 2015 Senate Bill 2234.

In October 2014, the Department created an internal eligibility workgroup to review the new Diagnostic and Statistical Manual of Mental Disorders (DSM) V and its impact on Developmental Disability (DD) Eligibility. The group also began a review of the current practice of eligibility redetermination for the DD waiver at the age of three. The workgroup consists of four psychologists, two behavioral analysts, eight regional and state developmental disability staff, and the state autism coordinator. The group has discussed the appropriateness of Intellectual Quotient (IQ) testing for applicants under the age of 12; who should conduct the IQ test; and if IQ testing were removed as a requirement what assessments would be required to determine eligibility. The DD waiver eligibility criteria for adults was also reviewed and felt to be applicable for anyone applying at age 12 and over. The workgroup formed a smaller group to look specifically at the eligibility criteria for children ages 3 to 12. The internal workgroup consulted with a psychologist at a human service center that conducts IQ testing for those at the redetermination age of three.

The smaller group's initial recommendations include:

- If cognitive testing has previously been completed and it is still valid, it will be considered in eligibility determination; however, it will not hold as much weight in the eligibility formula as it currently does;
- If no cognitive testing has been completed or it is no longer valid, it will not be required; however, a cognitive screening will be required;
- Adaptive functioning testing will be required and will hold more weight in the eligibility formula than intellectual functioning;
- Those with a related condition must have an intellectual disability and/or an adaptive functioning disability.

2015 Senate Bill 2234, as enacted, requires the Department to study eligibility for the DD waiver. A survey was distributed by the Department to a group of stakeholders which included Pathfinders, Family Voices, Designer Genes, The ARC, Protection & Advocacy, and Regional Developmental Disability Administrators. A meeting was held in September to discuss the survey results and the recommendations of the smaller workgroup. There was significant discussion regarding the need for having a cognitive component to eligibility. It was expressed by some stakeholders that cognitive ability should not be a consideration in determining eligibility to access the DD waiver, specifically for the 3 – 12 year old group. One stakeholder expressed this should also be considered for the 12 and up age group. It was also shared by one that the DD waiver should be able to serve those with Autism after they age out of the current Autism waiver.

The Department will analyze the impact of how the recommendations from the internal workgroup and survey/study results would impact future expenditures. Any enhancements and recommendations will be considered as the Department prepares its 2017 – 2019 budget request.

While the current intent of the DD waiver is to assist those with an intellectual or developmental disability or those with a related condition which requires similar services as someone with an intellectual disability, one of the benefits of a waiver is it allows states to choose a target population (i.e. autism, intellectual disability, physical disability, etc.) and serve those identified that meet the level of care.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.