

LB 1039
Health and Human Services Committee
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Good morning Senator Campbell and members of the Health and Human Services Committee, my name is Courtney Miller (C-O-U-R-T-N-E-Y M-I-L-L-E-R). I am the Director for the Division of Developmental Disabilities in the Department of Health and Human Services.

I am testifying today in support of LB 1039 which standardizes the definition of Intellectual Disability and allows the Department to use best practice methodology in making fair and equal Developmental Disability eligibility determinations. I want to thank Senator Coash for introducing this bill on the Department's behalf.

In order to be eligible for services through the Developmental Disability Services Act (DDSA), which provides for a state-funded entitlement, an individual must meet two standards: have a diagnosis of a developmental disability and have adaptive functional limitations that meet a need for an institutional level of care.

Currently, the term "Intellectual Disability" is not consistently defined in statute in a manner that is objective or that accurately reflects medical or psychological practice.

Under the DDSA, an intellectual disability is defined as sub-average intellectual functioning, referring to activities such as learning, reasoning and problem solving. One way to measure intellectual functioning is an IQ test. A person would not qualify for a diagnosis unless they are significantly sub-average, generally having an IQ of 70 or below on a valid IQ test, on which 100 is considered average. As the statute is currently written, and generally interpreted, Nebraskans who do not meet this sub-average standard may qualify for services.

LB 1039 standardizes the definition and also makes clear that an intellectual disability, for purposes of the programs administered through the Division of Developmental Disabilities, is a sub-category of a developmental disability.

LB 1039 also uses the term adaptive function, which means one's ability to adjust to a situation. In order to qualify for services from the Division of Developmental Disabilities under the federally-approved waiver, an individual must meet institutional level of care criteria which are determined by the adaptive functioning of the individual based on seven major life activities that are included in the federal code.

LB 1039 aligns the seven major life activities with best practices within the categories of practical skills, social skills, and conceptual skills, as identified by the American Association on Intellectual and Developmental Disabilities (AAIDD), the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), and the International Classification of Diseases (ICD-10).

Practical skills include areas such as personal care, occupational skills, safety, use of money and telephones. Social skills include those such as interpersonal skills, social responsibility, self-esteem, and the ability to follow rules and obey laws. Conceptual skills include areas such as language and literacy, use of money, use of telephone, time and self-direction.

LB 1039 streamlines and clarifies eligibility determinations based on this best practice methodology, using the source of reference for clinicians in their area of expertise.

In closing, LB 1039 is aligned with our mission of helping people live better lives as it standardizes the definition of Intellectual Disability, promotes the use of best practice, aligns the statute with the relevant source documents in this area of clinical expertise, and provides clarity on eligibility for the individual, their family, advocates, our federal partners, and the public to ensure appropriate utilization of tax dollars to serve those individuals who qualify for services. This bill will not impact those individuals currently receiving services through the division.

I am happy to answer any questions.