



Community-Based Services DD Eligibility

Eligibility for developmental disability services is governed by Nebraska Revised Statutes §§ 83-1205, 1209 and 12-1216, and Title 404 NAC, Chapter 3 of the Nebraska Administrative Code. Developmental disability is defined in the Developmental Disability Services Act as:

- (1) Mental retardation; or
- (2) A severe, chronic disability other than mental retardation or mental illness which:
 - (a) Is attributable to a mental or physical impairment other than a mental or physical impairment caused solely by mental illness;
 - (b) Is manifested before the age of twenty-two years;
 - (c) Is likely to continue indefinitely; and
 - (d) Results in:
 - (i) In the case of a person under three years of age, at least one developmental delay; or
 - (ii) In the case of a person three years of age or older, a substantial limitation in three or more of the following areas of major life activity, as appropriate for the person's age:
 - (A) Self-care;
 - (B) Receptive and expressive language development and use;
 - (C) Learning;
 - (D) Mobility;
 - (E) Self-direction;
 - (F) Capacity for independent living; and
 - (G) Economic self-sufficiency.

With the exception of the term “mental retardation” (which has been revised federally to “intellectual disability”), this definition is consistent with federal regulatory requirements and with the nationally recognized definition adopted by the American Association on Intellectual and Developmental Disabilities in its most recent manual (2010).

Since the inception of community-based services in Nebraska, eligibility for developmental services has been determined by service coordinators in local offices across the state. Due to

concerns regarding the consistency of eligibility decisions, and taking into consideration the increasing caseloads of service coordinators along with increasing Medicaid quality assurance expectations, the Division reorganized several functions in Community-Based Services. This resulted in:

- Reassignment of the Division's 12 disability services specialists (DSS) to report to the Waiver Manager in central office. While still located in local offices throughout the state, they now receive consistent training and oversight.
- Reassignment of eligibility determinations to be performed by the disability services specialists instead of service coordinators. This allows the service coordinators to dedicate more time to supporting individuals on their caseloads, and avoids the potential for conflicts between service coordinators and the individuals and families they may be assigned to support.
- Inclusion of an internal staff psychologist with specialized training in developmental disability assessments and services to review applications where eligibility is unclear and a professional opinion is necessary.
- Development of a centralized process for processing and records retention for eligibility determinations. This included working with new technologies and community stakeholders to ensure adequate access to individuals and their families.

Now individuals and their families can access the eligibility process through a variety of ways:

- AccessNebraska online application at <http://accessnebraska.ne.gov/> ;
- Contact a local DHHS office;
- Contact our central office through our state-wide toll free number (877) 667-6266;
- Visit our eligibility website at <http://www.dhhs.ne.gov/dip/ded/DDEligibility.htm> ;
- Visit the Nebraska Department of Education website at <http://ndetransition.site.esu9.org/linksresources/> where access to the DD eligibility process is included along with the transition materials;
- Discuss eligibility during the transition process with a local ESU transition coordinator; or
- Contact a local ARC office.

Upon receiving an eligibility referral, the Division sends an eligibility packet that describes the eligibility requirements and processes. The packet includes an application, a notice of rights and obligations, a release of information form (necessary to allow the Division access to documentation necessary to review eligibility), a United States citizenship attestation form, and a checklist for gathering documentation/records. A copy of this packet is included herein. The Division has received feedback from advocacy organizations and community representatives that this application packet and the new process are much simpler for individuals and their families

and that they appreciate the new transparency in the eligibility process. A copy of the packet is included herein for your review.

The Division has spent significant time and resources partnering with educational and advocacy entities to promote early eligibility determinations and to clarify misconceptions about the eligibility requirements and processes. We are excited about providing better access to information and the application process to individuals with developmental disabilities and their families. We will continue to assess issues related to eligibility process and will make adjustments to processes as necessary.

Attachment: Eligibility Packet