

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
2000 Division of Developmental Disabilities Services

2100 Eligibility Criteria

1.0 Purpose

The purpose of the 16 **DE Admin. Code** 2100 Eligibility Criteria is to set forth standards to determine an applicant's eligibility for the Division of Developmental Disabilities Services (DDDS) supports and services.

2.0 Eligibility Requirements

2.1 Eligibility is established by the following criteria, all of which must be met except when explicitly stated otherwise:

2.1.1 Residency

2.1.1.1 The applicant must be a resident of the State of Delaware; and

2.1.1.2 The applicant must be a U.S. citizen or qualified alien according to DE Medicaid requirements (16 **DE Admin. Code** 14310). The five-year bar, which qualified aliens are subjected to before Medicaid eligibility, does not apply to non-Medicaid DDDS services.

2.1.2 Age

2.1.2.1 The applicant must have attained a minimum age of 3.

2.1.2.2 The applicant must have documented evidence that the disability originated prior to the age of 22.

2.1.2.3 DDDS may accept a comprehensive assessment and diagnosis of a qualifying condition by a licensed practitioner completed after age 22 after unsuccessful attempts to obtain assessments and records from the developmental period.

2.1.3 Clinical Requirements

2.1.3.1 The applicant must have a disabling condition that meets at least one of the following criteria:

2.1.3.1.1 Intellectual Disability (ID), which can be caused by a brain injury or other neurologically disabling condition. An intellectual disability is characterized by significantly below-average general intellectual functioning with a valid intelligence quotient (IQ) or IQ-equivalent score of approximately 70 or below on a normed and standardized assessment;

2.1.3.1.2 Autism Spectrum Disorder (ASD), as defined by the current version of the American Psychiatric Association's Diagnostic and Statistical Manual (DSM) determined through a comprehensive evaluation by a licensed practitioner or school psychologist, including a detailed developmental history that documents behavioral characteristics of ASD based on the current version of the DSM;

2.1.3.1.3 Prader-Willi Syndrome diagnosis by a licensed practitioner.

2.1.3.2 The applicant must also have significant limitations in adaptive behavior functioning which includes conceptual, social, and practical skills that are learned and performed by people in their everyday lives, as established by the following:

2.1.3.2.1 Score of approximately 70 or below, on the composite score or in at least one domain of a standardized adaptive behavior functioning assessment.

2.1.3.2.2 If there are ratings from two different respondents, scores from different raters should be consistent with one another and approximately 70 or below as noted in section 2.1.3.2.1.

2.1.4 Assessment Requirements

2.1.4.1 Assessments must be performed by a licensed practitioner or school psychologist using the most recent editions of standardized assessments for the period accepted by the Division. Accepted standardized assessments are published on the DDDS website. DDDS may accept other assessments if they are comprehensive, structured, and use instruments that are normed and standardized.

2.1.4.2 The assessment for ASD must include a detailed developmental history with evidence that behavioral characteristics of ASD (based on the current DSM) were present during the

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developmental period. A detailed developmental history interview is necessary because standardized measures to diagnose ASD retrospectively do not exist.

3.0 Exception to Clinical Requirements for Applicants Aged Three Through Age Eight

- 3.1 If the requirements in subsection 2.1.3 cannot be met for an applicant aged three through eight, provisional eligibility may be granted with clinical documentation to support a minimum of one of the following conditions:
 - 3.1.1 There exists the possibility of a qualifying condition listed in subsection 2.1.3, however, additional assessment is required; or
 - 3.1.2 A minimum of two delays in the following developmental domains:
 - 3.1.2.1 Cognition;
 - 3.1.2.2 Communication (expressive or receptive);
 - 3.1.2.3 Physical (gross or fine motor);
 - 3.1.2.4 Social;
 - 3.1.2.5 Emotional;
 - 3.1.2.6 Adaptive behavior; or
 - 3.1.3 A diagnosed congenital or acquired condition with documentation that indicates that the condition results in a high probability of a future intellectual/developmental disability as an alternative to those described in subsection 2.1.3.
- 3.2 When the applicant reaches age 9, provisional eligibility ends and assessments must support a disabling condition as defined in subsection 2.1.3.

4.0 Eligibility Determined Without All Documentation

- 4.1 In cases of bona fide extraordinary or exigent circumstances, DDDS may determine eligibility without one or more of the required pieces of documentation.
- 4.2 If eligibility is determined without the required documentation, DDDS reserves the right to redetermine eligibility if such documentation becomes available later.

5.0 Review of Updated Assessments and Redetermination of Eligibility

Until an individual reaches the age of 22, DDDS reserves the right to review updated assessments and redetermine eligibility at any time, including requiring additional testing that must be completed prior to the age of 22.

4 DE Reg. 228 (07/01/00)

11 DE Reg. 1237 (03/01/08)

26 DE Reg. 391 (11/01/22)