

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PROPOSED

PUBLIC NOTICE

Disabilities Services Eligibility Criteria

2100 Eligibility Criteria

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Developmental Disabilities Services (DDDS) is proposing to amend the eligibility criteria related to DDDS services.

Any person who wishes to make written suggestions, compilations of data, written testimony, written briefs or other written materials concerning the proposed new regulations must submit same to Joseph B. Keyes, Ph.D., Applicant Services Unit; Division of Developmental Disabilities Services, 1052 S. Governor's Avenue, Suite 101, Dover, Delaware 19904 or by fax to (302) 744-9711 by July 25, 2007.

A Public Hearing on the proposed new regulation will be held July 30, 2007 at 6:30 P.M. at Delaware Technical College, Terry Campus, Dover, Delaware in Room 427 of the Corporate Training Center building.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments at the Public Hearing and written materials filed by other interested persons.

Summary of Proposed Changes

Statutory Authority

- Title 29, 7910
- Title 16, 5521, 5522

Summary of Proposed Changes

1) The definition/diagnosis of mental retardation has been modified to correspond with the American Association on Intellectual and Developmental Disabilities Classification Manual definition of 2002. The proposed criteria, therefore, is consistent with the most current diagnostic nomenclature in the field of developmental disabilities.

2) Asperger's Disorder has been added to the eligibility criteria. Currently, DDDS includes Autism in the eligibility criteria. Recently, there has been a national effort at viewing autism as a spectrum of disorders of which both Autism and Asperger's are considered core disorders. From a programmatic and service delivery standpoint, Asperger's fits in the DDDS service system model. The addition of Asperger's Disorder to the Division's eligibility criteria is also consistent with what some other states are doing and with what the Department of Education did in adding Asperger's Disorder to its Autism special education classification

3) Removal of "neurological conditions closely related to mental retardation" and removal of "brain injury (individual meets all criteria of 1992 AAMR definition including age manifestation)" from the current criteria. Individuals with these conditions must meet the diagnostic criteria of mental retardation and so it was redundant with that part of the criteria

4) Addition of two legal requirement statements: a) "citizen or a lawful alien of the United States"; b) "resident of the State of Delaware". This is consistent with **Delaware Code** regarding eligibility for state services and consistent with Department policy.

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