



# DDA Eligibility and Priority

DDA requires that a person have a Developmental Disability to receive services. DDA provides services through its Medicaid home and community based waiver which:

- Provides employment services, in-home support and other comprehensive supports
- Can provide lifetime support to people with developmental disabilities
- Provides a right to a hearing for denials, terminations or reductions of service

DDA no longer provides support to people who are eligible for support services only and are not eligible for the Medicaid waiver.

Eligibility	
Developmental Disability	Support Services Only
<p>Md. Code, Health General Art. § 7-101</p> <p>(f) "Developmental disability" means a severe, chronic disability of an individual that:</p> <ol style="list-style-type: none"> <li>(1) Is attributable to a physical or mental impairment other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;</li> <li>(2) Is manifested before the individual becomes 22 years old;</li> <li>(3) Is likely to continue indefinitely;</li> <li>(4) Results in an inability to live independently without external support or continuing and regular assistance; and</li> <li>(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.</li> </ol> <p>(g) External support.- "External support" means:</p> <ol style="list-style-type: none"> <li>(1) Periodic monitoring of the circumstances of an individual with respect to:               <ol style="list-style-type: none"> <li>(i) Personal management;</li> <li>(ii) Household management; and</li> <li>(iii) The use of community resources; and</li> </ol> </li> <li>(2) Rendering appropriate advice or assistance that may be needed.</li> </ol> <p>(l) Live independently.- "Live independently" means:</p> <ol style="list-style-type: none"> <li>(1) For adults:               <ol style="list-style-type: none"> <li>(i) Managing personal care, such as clothing and medication;</li> </ol> </li> </ol>	<p>Md. Code, Health General Art. § 7-706.</p> <p>Individual Support Services</p> <p>(b) "Eligible person" means an individual with a developmental disability that is likely to continue indefinitely or an individual with a severe chronic disability that is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments that is likely to continue indefinitely.</p>

- (ii) Managing a household, such as menu planning, food preparation and shopping, essential care of the premises, and budgeting; and
  - (iii) Using community resources, such as commercial establishments, transportation, and services of public agencies; or
- (2) For minors, functioning in normal settings without the need for supervision or assistance other than supervision or assistance that is age appropriate.

## Tips for Applicants

To establish that a person has a developmental disability, an applicant must show a significant functional impairment. Helpful documentation would include:

- Documents showing the age of onset such as an IEP and/or psychological evaluation prior to the age of 22;
- Professional assessments that show not only diagnosis but specific functional impairments and how this affects an individual's ability to live independently.
- Letters of support from teachers, care providers and especially parents who can describe the daily and hourly needs of an individual.

For children, see the definition of "live independently" for minors.  
Call MDLC for advice.

## DDA Priority Categories

DDA is most likely to serve people in the following priority categories:

- **Transitioning youth**
- **Crisis Resolution**
- **Residents of institutions**

Code of Maryland Regulations 10.22.12.07B, DDA Priority Categories

### **(1) Category I—Crisis Resolution.**

(a) To qualify for this category, the applicant shall meet one or more of the following criteria. The applicant shall be:

- (i) Homeless or living in temporary housing with clear time-limited ability to continue to live in this setting with no viable non-DDA-funded alternative;
- (ii) At serious risk of physical harm in the current environment;
- (iii) At serious risk of causing physical harm to others in the current environment;

- (iv) In danger of losing DDA-funded residential services because of a lack of current day services;
  - (v) One who has lost DDA-funded day services; or
  - (vi) Living with a caregiver who is unable to provide adequate care due to the caregiver's impaired health, which may place the applicant at risk of serious physical harm.
- (b) To qualify for Category I under §B(1)(a)(ii), of this regulation, evidence such as the following shall be necessary. The applicant:
- (i) Has recently received severe injuries due to the behavior of others in the home or community;
  - (ii) Has recently been the victim of sexual abuse;
  - (iii) Has been neglected to the extent that the individual is at serious risk of sustaining injuries which are life threatening or which substantially impair functioning;
  - (iv) Engages in self-injurious behavior which puts the individual at serious risk of sustaining injuries which are life threatening or which substantially impair functioning; or
  - (v) Is at serious risk of sustaining injuries which are life threatening or which substantially impair functioning due to the physical surroundings.
- (c) If the applicant qualifies for Category I under §B(1)(a)(v), of this regulation, the individual shall qualify for day services only.
- (d) If the applicant is living in a situation where the applicant is the caregiver, §B(1)(a)(vi), of this regulation, shall apply to the applicant.
- (e) Individuals who qualify for services under this category shall, at a minimum, remain in this category until they have been provided with those services required to resolve the situation.
- (f) Individuals become eligible to receive services as the need occurs.

(2) Category II—Crisis Prevention.

- (a) To qualify for this priority category, the applicant:
  - (i) Shall have been determined by the DDA to have an urgent need for services;
  - (ii) May not qualify for services based on the criteria for Category I; and
  - (iii) Shall be at substantial risk for meeting one or more of the criteria in §B(1)(a) of this regulation, within 1 year, or have a caregiver who is 65 years old or more.
- (b) Individuals who qualify for services under this category shall, at a minimum, remain in this category until they have been provided with those services required to resolve the situation.
- (c) Individuals become eligible to receive services from the date of approval of priority status, except when eligibility is determined by the age of the caregiver. In this case, priority is determined by the caregiver's date of birth so that individuals with caregivers born at an earlier date have priority over individuals with caregivers born at a later date.

(3) Category III—Current Request.

- (a) To qualify for this priority category, the applicant shall indicate at least a current need for services.

(b) Prioritization of Services.

(i) Applicants shall be prioritized for services based on the number of fiscal years they have been on the waiting list, except as provided for in §B(3)(b)(iv) of this regulation.

(ii) Applicants on the waiting list for the longest period of time shall receive services before those who have been on the list for fewer years, except as provided for in §B(3)(b)(iv) of this regulation.

(iii) Applicants whose applications are received by the DDA access unit within a given fiscal year shall be ranked by the fiscal year of application, and the month and day of birth. Those applicants born at the beginning of the fiscal year have priority over those born later in the year.

(iv) For day programs only, the period of time that shall be counted toward prioritizing an individual shall begin with the year of departure from school or the year of application, whichever is later.

**(4) Category IV—Transitioning Youth.**

(a) To qualify for funding for services in this priority category the applicant shall be eligible:

(i) For DDA-funded services in this category from the individual's 21st to the individual's 22nd birthday. If the date of graduation is after the individual's 21st birthday, the individual shall continue to be eligible for 1 year after the date of graduation.

(ii) To receive day services only.

(b) Individuals in this priority category shall also be in one or more of the other priority categories.

(c) Individuals become eligible to receive services from the date of approval of priority status.

**(5) Category V—Knott Class.**

(a) To qualify for this priority category, the applicant shall have:

(i) An intellectual disability; and

(ii) Been determined inappropriately retained in a Mental Hygiene Administration facility as set forth in Knott vs. Hughes Civil Action No. Y-80-2832 (Fed. Dist. Ct. Md).

(b) Individuals become eligible to receive services based on the best clinical judgment of the professionals involved based on availability of allocated resources.

**(6) Category VI—Inappropriate Institutionalization.**

(a) To qualify for this priority category, the applicant shall be a:

(i) Resident in a nursing facility and not meet the criteria for admission or retention for that facility;

(ii) Resident of an intermediate care facility for individuals with intellectual disabilities or persons with related conditions (ICF/IID) and not meet the criteria for admission or retention for that facility as determined by the hearing examiner;

(iii) Resident in a chronic hospital who does not meet the criteria for admission or retention for that facility;

(iv) Resident in an institution under the auspices of the Mental Hygiene Administration who has a developmental disability,

but is not an individual with an intellectual disability and who does not meet the criteria for admission or retention in a State psychiatric hospital and whose primary need is not for a mental health service.

(b) An individual in this priority category shall also be in another priority category.

(c) Funding may be allocated for one or more of the above groups in §B(6)(a)(i)—(iv) of this regulation.

(d) Individuals become eligible to receive services based on the best clinical judgment of the professionals involved based on availability of allocated resources.

(7) Category VII—Innovation or Demonstration Projects.

(a) To identify those individuals for whom this priority category is appropriate, the Administration, after consultation with interested parties, shall publish a request for proposal (RFP) for innovation or demonstration projects.

(b) To qualify for this priority category, an individual shall be identified in a proposal submitted to the Administration which is considered appropriate for funding by the Administration.

(c) An individual served in this priority category may continue to receive services, to the extent that funds are allocated, after the termination of the innovation or demonstration period.

(d) An individual in this priority category may also be in another priority category.

(8) Eligible applicants may receive family support services and low intensity support services on a first-come, first-served basis, regardless of service priority determination.