

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGING AND DISABILITY SERVICES DIVISION
POLICY MANUAL**

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45-1	1/14/2019	Intake Eligibility, and Appeal Process for Developmental Services	7/28/2015	1 of 5

POLICY

The State of Nevada Developmental Services will inform the applicant of service provision, eligibility criteria, and method of eligibility determination, and assist individuals through their application for services in a manner consistent with best practice.

Applications will be accepted and considered without discrimination on the grounds of age, sex, race, national origin, sexual orientation, religion, disability, ability to pay for services, and without regard to the agency's ability to provide needed service supports.

PURPOSE

To define statewide intake, eligibility determination, and appeals procedures that ensure consistent practice across all Regional Centers, the efficient use of staff resources, and fairness in the eligibility determination process for all individuals who apply for Developmental Services.

DEFINITIONS

Applicant is the person intended to receive Regional Center services or their legal guardian.

Developmental Services as used throughout this policy refers to services provided through the Regional Centers: Desert Regional Center, Rural Regional Center, and Sierra Regional Center.

Eligibility Review Committee (ERC) is the committee established at each Regional Center to review applications. The ERC is comprised of the intake coordinators, psychologists, nursing staff, and program managers or designee at each regional center.

Statewide Eligibility Review Committee (SERC) is a statewide committee that reviews applications in response to an appeal of a Regional Center's eligibility decision. SERC is comprised of nurses, psychologists and intake coordinators from the three Developmental Services Agencies; Desert Regional Center, Rural Regional Center, and Sierra Regional Center.

REFERENCES

NRS 435

PROCEDURE

A. APPLICATION PROCESS

1. The applicant or legal guardian must complete an intake application (see Attachment A) and provide any needed substantiating documentation (e.g., information related to residency, financial eligibility, and qualifying condition). Competent adults must submit an application on their own behalf and may be assisted by an advocate of his/her choosing. Psychological evaluation(s) and testing including measure of adaptive functioning is required. Records of these assessments completed in the developmental period as well as more current assessments are needed to assist with

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determining eligibility.

2. Applicants will be informed of service options available through Developmental Services and pertinent community resources and how to initiate application for these benefits or services; the philosophy of the agency; and their individual rights including the complaint process. Applicants will be assisted in completing an application for Medicaid if appropriate for the individual.
3. Applicants will be notified of the financial eligibility determination requirements.
4. Following an initial review of the completed application, applicants will be notified if additional records, new testing, etc. is required. The applicant will be informed as to what exact information is needed and it will be the responsibility of the applicant to obtain the information. At this time, the applicant will also be informed that the application process will be closed unless the required information is received within 60 days of the request for the information.
5. Should sufficient documentation of condition (i.e., intellectual disability or developmental disability) not be available, assistance will be provided to the applicant to obtain the needed assessments or supporting documentation. Where documentation is insufficient or nonexistent from the developmental period (i.e., prior to age 18 for intellectual disability, or age 22 for developmental disability), individuals may be considered for eligibility on the basis of available historic and current information, including statement by family or others with personal knowledge of the applicant during the developmental period.
6. If additional psychological evaluation/testing is needed to confirm the applicant's condition/diagnosis and inform the eligibility decision, the applicant will be referred for additional assessment through the Regional Center Psychological Services Department. During the process of psychological assessment, it may be determined that additional records (e.g., psychiatric or psychological assessments from other states) are necessary for accurate evaluation and the applicant may be asked to provide additional records.
7. Failure to cooperate, complete assessments, or respond to requests for needed information within 60 calendar days from the date of request may result in closing of the application with written notification with the date of the application closure sent to the applicant/family. The application will be re-opened upon applicant's request.
8. Nevada Residency
 - a. Applicants for Developmental Services may apply prior to moving to Nevada.
 - b. The applicant's eligibility for services will be reviewed as described within this policy.
 - c. If documentation received from an out-of-state applicant is not sufficient to

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determine the applicant's eligibility for services, the Regional Center may request a face-to-face interview and/or assessment prior to determining the person's eligibility for services.

- d. If the applicant is found eligible, the applicant's case will be opened once the person has physically moved to Nevada and established proof of Nevada residency.
- e. The residency of a legally competent adult will be determined by where he or she lives, or by the state providing support services to the person. Persons placed out of Nevada by an agency, and supported by a Nevada agency, will be considered residents of Nevada. The residence of a minor child or legally incompetent adult will be the state where the child's parents or other legal guardian reside. For legally incompetent adults, their residence will be the state in which their guardian or an agency having legal custody is located.

B. ELIGIBILITY DETERMINATION

1. Each Regional Center maintains an Eligibility Review Committee (ERC) that will review the applicant's eligibility for Developmental Services as described in the Eligibility Determination Standards for Developmental Services (see Attachment B).
2. Applicants will be provided written notification of the ERC decision within 5 working days following the eligibility determination review.
3. Eligibility determinations will be recorded on the Eligibility Determination Form (see Attachment C) for each applicant. Evidence of review and outcome will be kept in the applicant's case file.
4. Eligibility determinations made in one Regional Center shall be accepted at any other Regional Center without further evaluation. Each Regional Center may re-determine eligibility as described within this policy. Refer to Transfer Policy for additional information.

C. APPEALS

1. Applicants found ineligible for services during any part of the application process will be provided written notification of the determination within 5 working days of the date of determination to include an explanation of the denial and the appeal process.
2. Applicants who are either Medicaid recipients or pending Medicaid recipients will have appeal rights through the Medicaid Fair Hearing Process. The Regional Center intake coordinator will send written notification of the denial of services to the applicant or representative and to Division of Health Care Financing and Policy.

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3. All applicants (including Medicaid and non-Medicaid recipients) who wish to appeal the Regional Center's eligibility decision must complete and return the Notification of Appeal form (see Attachment D) to the Regional Center intake coordinator within 90 working days following the receipt of the determination letter.
4. Following receipt of the appeal notification, the applicant's case will be referred to the State Eligibility Review Committee (SERC) for review. SERC will make one of the following decisions regarding the appeal: 1. Ineligible, 2. Eligible, or 3. Refer for additional assessment/review through the Regional Center. Applicants referred by SERC for additional assessment and/or documentation will have their case reviewed by SERC once the additional assessment and/or documentation are received by the Regional Center's intake coordinator.
5. Applicants determined ineligible by SERC will be provided a written explanation of this decision, including instructions for appealing the denial, within 5 working days of the date of the SERC review.
6. Applicants who appeal the SERC denial may request a review of the SERC decision by the Regional Center Program or Agency Manager. The decision of the Regional Center Manager will be the final determination.

D. RE-DETERMINATIONS

1. Children under 6 years of age receiving services through the Regional Center will have their eligibility for services re-determined within 90 days following their 6th birthday. For children found ineligible for services, notification of the decision and appeal rights will be sent as described within this policy.
2. Children and adults receiving services through the Regional Center may be re-assessed to determine their eligibility for services. Such reviews can occur in response to new information that suggests the individual is no longer eligible for services, as a result of recommendation from the initial eligibility determination and/or assessment or at the request of the service coordinator. For children, a review of their continued eligibility for services will occur every three years until reaching their 18th birthday. This review is conducted by the service coordinator and includes records review and contacts.
3. If a person is found to no longer meet eligibility requirement for Developmental Services, they will be notified of this decision and their appeal rights as described within this policy.

E. RE-APPLYING FOR DEVELOPMENTAL SERVICES

1. Applicants who were found ineligible for Developmental Services can re-

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apply for services. Additional applications should be supported by new information.

- If an application is closed for reasons related to no contact, failure to complete assessment, or failure to provide requested documentation, the application may be re-opened at the applicant's request.

ATTACHMENTS (CLICK BELOW)

- Attachment A - Application for Developmental Services
- Attachment B - Eligibility Determination Standards for Developmental Services
- Attachment C - Eligibility Determination Form
- Attachment **D** - Notification of Appeal

Approved By		
Title	Signature	Date
Quality Assurance Manager		1/15/19
Deputy Administrator		1/15/19
Document History		
Revision	Date	Change
1	1/14/2019	Update language from related conditions to developmental disability per NRS 435.007. Updates to eligibility determination process and attachments.