

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
HUMAN DEVELOPMENT CENTER ADMISSION AND DISCHARGE RULES
DDS DIRECTOR'S OFFICE POLICY MANUAL

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	Human Development Center Admission and Discharge Rules	1086

I. POLICY:

This rule replaces existing policies in order to clarify that admission and continued residence at Human Development Centers is limited to eligible individuals who need and can benefit from care and active treatment at an intermediate care facility for the mentally retarded. This rule establishes guidelines for discharge of individuals from the Human Development Centers (HDC) operated by Developmental Disabilities Services (DDS). This rule applies to all applicants for and recipients of human development center services regardless of whether the applicant or recipient is Medicaid eligible.

II. SUBSTANTIVE RULES:

(a) Definitions:

1. Active Treatment: A continuous program of aggressive, consistent, specialized and generic training, treatment, health services and related services described in 42 C.F.R. 483.440 (A) Chapter IV, Subchapter G, Part 483, Subpart I.
2. Adverse determination: A DDS determination of an individual's written application for or opposition to:
 - A. Eligibility for DDS services;
 - B. HDC admission, transfer, or discharge; that is contrary to the individual's written application or opposition.
3. Annual Status Review: A review conducted at least at twelve-month intervals after admission to:
 - A. Assess the client's status;
 - B. Review and, if necessary recommend changes to the client's program plan;
 - C. Determine the client's continued HDC eligibility.

Replacement Notation: This policy replaces DDS Policy # 1053 dated October 7, 1983; January 8, 1987, December 1, 1993, and December 1, 1987. DDS Policy # 1086 dated 19, 2002.

Effective Date: July 24, 2009

References: Commissioner's Office Policy 3007-I, DDS Board Policy # 1009.

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4. Disability: The deprivation of physical or mental capacity.
5. Emergency: Unforeseen life threatening circumstances that necessitate immediate HDC placement because no other safe alternatives are available.
6. Human Development Center (HDC): a state-operated intermediate care facility for the mentally retarded (ICF-MR) that provides residential care and active treatment services to eligible developmentally disabled individuals.
7. Interdisciplinary Team: a team constituted and functioning in accordance with 42 C.F.R. Chapter IV, Subchapter G, Part 483, Subpart I. For purposes of admission and the annual status review, the interdisciplinary team shall include a licensed physician.
8. Primary Disability: The condition having the greatest impact on the individual's ability to function.
9. Primary Diagnosis: A licensed physician's opinion of the individual's primary disability.
10. Psychological Team: DDS Psychological Examiner who determines Intermediate Level of Care for Mental Retardation (ICF/MR).
11. Transfers: A transfer occurs when an HDC resident is admitted to another HDC. Transfers shall be accomplished by application for admission to the second HDC. If the application is approved, the individual shall be discharged from the first HDC at the time the individual is transported to the second HDC (see DDS Policy 1036 HDC Transfers).

(b) Eligibility for Developmental Disabilities Services

In order to be eligible for developmental disabilities services, the individual must have a developmental disability as defined in Ark. Code Ann. § 20-48-101 and Act 729 of 1993. If the age of disability onset is an eligibility factor, the DDS Quality Assurance Assistant Director will be the deciding official, subject to appeal.

(c) Developmental Disabilities Eligibility Criteria Definition

1. Developmental Disability: An impairment of general intellectual functioning or adaptive behavior. For individuals over age five, developmental disability is established by scores of intelligence on standardized intelligence tests administered by a legally qualified professional. For individuals ages three through five, developmental disability is established by a standardized assessment evidencing that the applicant functions on a level two or more standard deviations from the mean in two or more areas. For individuals ages 0-36 months, developmental disability is established by a standardized assessment instrument assessing cognition, communication, social/emotional, motor, and adaptive, that yields scores in months, and that evidences a twenty-five percent delay.

A. The delay is attributable to mental retardation, cerebral palsy, epilepsy or autism.

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- i. Individuals with Intellectual Disabilities – As established by scores of intelligence which fall two or more standard deviations below the means of a standardized test of intelligence administered by a legally qualified professional; Infant/Preschool, 0-5 years - developmental scales, administered by qualified personnel authorized in the manual accompanying the instrument used, which indicate impairment of general functioning similar to that of developmentally disabled person;
- ii. Cerebral Palsy – As established by the results of a medical examination provided by a licensed physician;
- iii. Epilepsy – As established by the results of a neurological and/or licensed physician;
- iv. Autism – As established by the results of a team evaluation including at least a licensed physician, a licensed psychologist, and a licensed Speech Pathologist;

Note: Each of these four conditions is sufficient for determination of eligibility independent of each other. This means that a person who is mentally retarded does not have autism, or have epilepsy, or have cerebral palsy. Conversely, a person who has autism, or has cerebral palsy, or has epilepsy does not have to have a diagnosis of mental retardation to receive services.

- B. Is attributable to any other condition of a person found to be closely related to mental retardation because the results in impairment of general intellectual functioning or adaptive behavior similar to those of persons with mental retardation or requires treatment and services similar to those required for such persons.

This determination must be based on the results of a team evaluation including at least a licensed Physician and a licensed Psychologist.

- C. Is attributable to dyslexia resulting from mental retardation, cerebral palsy, epilepsy, or autism by the results of a team evaluation including at least a licensed Physician and a licensed Psychologist.
- D. The disability must originate prior to the date the person attains the age of twenty-two (22).

(d) Eligibility for Human Development Center admission

- 1. In order to be eligible for admission, the individual must be eligible for developmental disabilities services, be in need of and able to benefit from active treatment, and be unable to access appropriate and adequate developmental disabilities services in a less restrictive alternative. Admissions and discharges shall be conducted in accordance with any delegations of authority by the

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Developmental Disabilities Services Board. Admissions shall conform to Ark. Code Ann. § 20-48-404 through 20-48-407. Discharges shall conform to Ark. Code Ann § 20-48-412. Admissions, transfers, and discharges shall conform to 42 C.F.R. § 483.440.

2. Each HDC may have specific criteria, age, activity, etc... regarding admission.
3. People less than eighteen years of age may be determined appropriate for HDC admission if one of the following issues is confirmed by the HDC Interdisciplinary Team based upon current evaluations after a determination of eligibility.
 - (A) Existing maladaptive behaviors prevented the individual from successfully residing in a less restrictive setting without endangering the health and safety of the individual or others; or
 - (B) The Human Development Center's treatment and therapies are medically necessary due to the individual's physical disabilities.
4. Regardless of age, DDS will consider for admission any individual who is eligible for ICF/MR level of care, once a determination has been made that admission is in the best interest of the individual, and their needs can not, at the current time, be met in the community.
5. Retention: In order to remain in residence at an HDC, the annual status review conducted by the Interdisciplinary team must establish that the client remains eligible for admission.

(e). Criteria for Discharge from Human Development Center

1. Consideration for a discharge may be given:
 - (A) The request of a competent adult individual, the individual's parent/guardian, legal representative if he/she is a minor, or according to the specific provisions of the individual's guardianship and/or power of attorney document;
 - (B) The recommendation of the individual's Interdisciplinary Team; or
 - (C) The recommendation of the Office of Long Term Care Inspection of Care Team.
 - (D) A determination that the individual is no longer eligible for admission or retention (i.e., that he or she is no longer in need of and able to benefit from active treatment provided at the HDC, and is able to access appropriate and adequate services in another setting).

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III. PROCEDURAL RULES

Perspective Eligibility Guidelines

(a) HUMAN DEVELOPMENT CENTER REFERRAL PROCESS:

1. When a DDS Service Specialist receives a request for HDC placement he/she will give the applicant the new five (5) part initial application, which includes: Information Letter, Choice Form-102, Social History; DHS 703 (Evaluation of Medical Need Criteria), and Areas of Need Form.
2. The applicant will return the initial application to the DDS Service Specialist. Once the Specialist receives the completed initial application, the initial application will be sent to the DDS Eligibility Review Team for ICF/MR eligibility determination. Once determination has been made, the DDS Eligibility Review Team will notify the DDS Intake and Referral Program Administrator of the individual(s) determined eligible.

Notice(s) of ineligibility, of individual(s) who was/were determined not to meet the ICF/MR eligibility requirement, will be sent by DDS Quality Assurance Assistant Director or designee as well as his/her appeals right, and a copy of DDS appeals policy 1076.

3. The Intake & Referral Unit Program Administrator will schedule a review within five (5) working days of notice of applicant(s) ICF/MR eligibility with the DDS Appropriate Placement Review Team (which is comprised of the Intake and Referral Program Administrator, Program Manager and the HDC Admission Coordinators). Exception: All referrals for Alexander, Booneville, and Conway HDC must be forwarded to the DDS Assistant Director of Quality Assurance for review and appropriate placement determination. The team will determine the appropriateness of the applicant for HDC services. Once a decision has been made, the Appropriate Placement Review Team will complete the *Review Of Referral For Placement Form*. On the review, the team will document if the preliminary decision is one of the following:

- ❖ The Appropriate Placement Review Team (APRT) has reviewed this initial application and has determined that this client is appropriate for placement and a vacancy exists at this time.

If the applicant is appropriate for placement and there is an appropriate vacancy, the Applicant will be informed of the vacancy and asked to complete the formal application process through his/her DDS Service Specialist.

- ❖ The Appropriate Placement Review Team (APRT) has reviewed this initial application and has determined that this client is appropriate for HDC placement. However, no appropriate vacancy is available at this time.

If the applicant is appropriate for placement but there is no vacancy, the applicant will be placed on the waiting list of the appropriate HDC.

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- ❖ The Appropriate Placement Review Team (APRT) has reviewed this initial application and has determined that this client is not appropriate for HDC placement.

If the applicant is not appropriate for HDC placement, the applicant will be informed of the decision/reason as well as his/her right to file an appeal.

Applicants may appeal a denial decision through the DDS Director or his designee.

4. The completed *Review Of Referral For Placement Form* will be sent by the DDS Program Manager of Adult Services Intake, to the applicant and/or legal representative, and his/her DDS Service Specialist.

(b) HUMAN DEVELOPMENT ADMISSION PROCESS:

1. Once a vacancy becomes available, the HDC Admission Coordinator will notify the appropriate DDS Specialist, the applicant and/or legal representative, and the formal application packet will be completed. In order to be considered, the packet must contain:
 - (A) An application for HDC services;
 - (B) Authorization to Disclose Health Information (DHS Form 4000);
 - (C) Freedom of Choice form (102);
 - (D) A cover memo by the individual's DDS Children or Adult Service Specialist stating the reason(s) for the referral, the specialist's impressions, and recommendations;
 - (E) A current medical evaluation signed by a physician;
 - (F) Physical therapy, occupational therapy, and speech therapy evaluations that are relevant to the reason or reasons for the referral. Evaluations must be completed within the preceding twelve months;
 - (G) A psychological evaluation, including intellectual functions levels and adaptive behavior scale. The evaluation must be completed within the preceding twelve months;
 - (H) A written social history completed within the preceding ninety (90) days by the individual's DDS Specialist. The social history shall include:

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- (i) A description of the individual's immediate situation and need for services, relating those needs to the services provided by the HDC;
 - (ii) A general and behavioral description of the individual;
 - (iii) A family status and profile;
 - (iv) A developmental history;
 - (v) Medical status signed by a physician and stating the individual's current problems (including general medical, vision, dental, and hearing, medications and treatments, allergies, and any communicable diseases);
 - (vi) Diet requirements;
 - (vii) Financial questionnaire completed within the preceding twelve months;
 - (viii) History of agency and professional contacts and outcomes, including, without limitation, reports, evaluations, and discharge summaries;
 - (ix) Review of alternate placement options and efforts;
 - (x) For school age applicants, a copy of the most recent individual education plan. For others, program plans established by current and past providers of developmental disabilities services;
 - (xi) A determination by a physician, other than the physician on the individual's interdisciplinary team that the individual qualifies for and is in need of human development center services.
2. Field Service Review of Formal Application Packet: The applicant's service specialist will compile the formal admission packet and send it to the DDS Program Manager. Within five business days of receiving the packet; DDS Program Manager will review the packet to determine if the packet is complete. If the packet is incomplete the DDS Program Manager will notify the service specialist that the packet is incomplete. If the packet is complete, the DDS Program Manager will send the packet to the HDC Admission Coordinator for review.
3. Human Development Center Review:
- A) The HDC Admission Team and/or Interdisciplinary Team will review each formal referral packet within five (5) business days of receipt and determine if the individual remains appropriate for admission.
 - B) If the team determines that the individual is now inappropriate for placement there, the HDC will notify the applicant of the determination. The notice must state the reason for inappropriate placement at its center and explain the individual's right to appeal.

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- C) If the team determines that the individual remains appropriate for placement at the center, the team will make a recommendation as to the appropriateness of admission to the HDC Superintendent.
- D) The HDC Superintendent will determine whether to admit each eligible individual and will notify the applicant and the service specialist of the decision. If the admission is denied, the notice must state the reason for the denial and explain the applicant's right to appeal.

4. Admission requirements:

- (A) Upon receiving notification of admission, the applicant's service specialist will furnish the following to the HDC:
 - (i) Copy of birth certificate.
 - (ii) Copy of Social Security card or valid Social Security number;
 - (iii) Copy of Medicaid card or verification of insurance, if any;
 - (iv) Completed "agreement to pay" worksheet;
 - (v) Copy of immunization history;
 - (vi) Copy of the results of a tuberculosis test performed within two weeks prior to admission;
 - (vii) Copy of the results of a physical examination, including any diagnosis made by the examining physician, performed within the preceding thirty (30) days;
 - (viii) Letters of acknowledgement from the local education agency for individuals who have not completed high school and are under twenty-two years old. Certificate of Completion/ High School Diploma and or/GED.
 - (ix) All court orders rendered in connection with the individual's custody, guardianship, or adoption proceedings, if any.

5. The HDC Admission Coordinator will work with the applicant and DDS Specialist on admission arrangements.

6. Admission: Upon successful completion of pre-admission requirements, the HDC Admission Coordinator will schedule an admission date and notify the DDS Service Specialist of any diagnostic and evaluation assistance available. The DDS Specialist will contact the applicant and offer to assist in admission.

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7. Periodic Reviews: Evaluations, assessments, and periodic review shall conform to 42 C.F.R. Chapter IV, Subchapter G, Part 483, Subpart I. Each client shall have an annual status review, which will occur more often than annually if warranted.

(c) HUMAN DEVELOPMENT EMERGENCY REFERRAL:

- 1) Service specialists may make emergency referrals to the DDS Program Manager. The service specialist shall include information explaining why an emergency exists, and why no other care or placement options are available. The service specialist shall also include the information required in a formal referral packet to the extent such information exists and is available. At a minimum, the emergency referral packet should include the results of a physical examination conducted within the previous thirty (30) days and signed by the examining physician, a statement signed by a physician listing any communicable diseases that the individual is known to have, copies or a list of the individual's current prescribed medications and a physician's determination that the individual qualifies for and is in need of HDC services on an emergency basis.
- 2) If the individual is admitted:
 - (i) The service specialist should attempt to obtain the individual's current medications and provide those to the HDC when the individual is transported to the facility;
 - (ii) Emergency admission is temporary. During the emergency admission the services specialist will seek other placement options, and will be in contact, by telephone or e-mail, with the HDC Admission Coordinator at least weekly in order to ascertain the individual's status.

(d) HUMAN DEVELOPMENT CENTER DISCHARGE PROCESS:

1. Court-ordered admission: If the individual is receiving services due to a court order, the individual or the individual's guardian/legal representative must obtain a discharge order from the court that ordered admission.
2. Other Admission: If the individual was admitted other than under court order:
 - A. Discharge planning begins upon admission.
 - B. Within ten (10) business days of a determination that an individual will be discharged:

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- a) The HDC Admission Coordinator or designee will notify the local education agency, if any, that serves the individual of the planned discharge;
 - b) The HDC Admission Coordinator or designee will provide the following information to the individual or the individual's guardian:
 - (i) A summary of the interdisciplinary team's recommendations for developmental disabilities services and placements;
 - (ii) A description of developmental disabilities services, e.g., LEA, day services, etc., that may be available to the individual, including, addresses and phone numbers of contact persons for the providers of such services;
 - (iii) The name, postal address, e-mail address, and phone number of the DDS Service Specialist servicing the area where the individual plans to live;
 - (iv) If available, the option of leave status as an alternative to discharge;
 - (v) An explanation of the procedures to apply for readmission to an HDC;
3. Upon discharge and relocation of the individual from the HDC:
- 1) The HDC designee completes a discharge summary within ten (10) days of discharge.
 - 2) A copy of the discharge summary is provided to the individual, or parent, or guardian, or legal representative and DDS Service Specialist. Discharge notification is provided to the Lead Education Authority (LEA), if appropriate.
 - 3) Within five (5) days of notification of the discharge, the DDS Service Specialist contacts the individual, and/or legally responsible party to offer choice of available services.
 - 4) Within seventy-two (72) hours of post discharge, initial contact by HDC Social Worker or assigned staff is made with the individual and/or parent, guardian or legal representative. Follow-up contact continues for six months either via telephone or written correspondence.

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(e) Appeals:

- A. An individual, or an individual's guardian, or legal representative, may appeal any adverse determination by filing a written notice of appeal within ten (10) working days of the receipt of notification of a decision with the Human Development Center (HDC) Superintendent. The notice of appeal must identify the adverse determination and state the reason the HDC Superintendent should reverse the determination.
- B. Within ten (10) working days of the receipt of the appeal, the HDC Superintendent will schedule and conduct a meeting with all the parties. All parties shall be notified of the meeting date, time and location in writing and notice shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be made and submitted to all parties.
- C. If a party disagrees with the decision made by the HDC Superintendent regarding discharge, the decision may be appealed within ten (10) working days by filing an appeal with the DDS Director. Within fifteen (15) working days of receiving appeal, the DDS Director shall schedule and conduct a meeting with all parties. All parties shall be notified of the meeting date, time and location in writing and notice shall be followed up by telephone. An extension of time may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.
- D. The decision of the DDS Director is the final agency action.