

Worker Guide to completing the Notification of Planned Action (SDS 0947) for denials and terminations of developmental disability services

The Office of Developmental Disability Services (ODDS) recommends that you use the language below as a foundation for completing the Notification of Planned Action (SDS 9407). As appropriate, add specific details in the “reason for action” that are relevant to the rules you cite in the Notification. Use your professional judgment to add or subtract from the recommended language below in order to make the Notification unambiguous and specific to the individual’s eligibility determination.

The rules listed in the last column include the full citations of all applicable Oregon Administrative Rules (OARs). Abbreviated citations are appropriate and acceptable in some cases. If you use shortened citations, you must remember to include the word ‘and’ or ‘&’ in between each section, subsection, paragraph or subparagraph. Example: Our example reads OAR ‘411-320-00080(8)(a)(A); 411-320-0080(8)(a)(B)’. Instead, you could list it as OAR 411-320-0080(8)(a)(A) and (B).

- 411= is the chapter
- 320 = is the division
- 0080= is the rule
- (8) = is the section
- (a) = is the subsection
- (A) = is the paragraph
- (ii) = is the subparagraph

Remember to include OARs **943-001-0020(3)**, **410-120-0006** and **411-320-0080(2)** on all denials and terminations. OAR 943-001-0020(3) and 410-120-0006 explain shared delegation and responsibilities between the Oregon Health Authority and the Department of Human Services for Medicaid eligibility determinations. OAR 411-320-0080(2) identifies that the CDDP eligibility specialists are acting as a designee of the Department of Human Services.

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Examples of why a person is not eligible for DD Services:

Age of person	Reason for denial or termination	Reason for Action	Relevant OARs
Under 7 years old			
Under 7	No <u>current information</u> (within 1 year) is available or the person is refusing to have additional testing completed.	...because information within the last year is not available and you are not interested/willing to complete a new psychological evaluation. <i>[Also list out what type of information is needed –IQ testing, adaptive testing, diagnostic interview.]</i>	411-320-0080(5)(a)
Under 7	<u>Standardized testing</u> does not support 2 or more areas of significant delay in adaptive behavior. Additionally there is <u>no neurological condition</u> or syndrome that has been diagnosed by a medical practitioner.	...because you do not have at least 2 areas of significant delay in your adaptive behavior. Additionally, you do not have a diagnosed neurological condition or syndrome that originates in and directly affects the brain, causing or likely to cause significant impairments in your adaptive behavior. Specifically, <i>[then briefly identify what was found in the documents]</i>	411-320-0080(5)(a)(A)(i); 411-320-0080(5)(a)(A)(ii); 411-320-0080(5)(a)(B)
Under 7	Condition or syndrome is <u>primarily attributed</u> to mental or emotional disorders, sensory impairments, substance abuse, personality	...because your condition of <i>[specify what condition or syndrome is]</i> is primarily attributed to <i>[identify what condition is attributed to]</i>	411-320-0080(5)(a)(C)

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	disorder, learning disability or ADHD.		
Under 7	Diagnosed condition or syndrome is <u>not expected to last indefinitely</u>because your condition/syndrome of <i>[list condition or syndrome]</i> is not expected to last indefinitely	411-320-0080(5)(a)(D)
School-aged children			
School Aged	IQ scores are <u>consistently over 75</u> . No condition of any other developmental disability.	...because you do not have consistent IQ scores of 75 or under and you have not been diagnosed with any other developmental disability. Specifically, your IQ scores are <i>[identify IQ score(s)]</i> and your condition of <i>[if applicable, list medical condition]</i> does not meet our definition of an other developmental disability (neurological condition that originates in and directly affects the brain).	411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411- 320-0080(4); 411-320-0080(6)
School Aged	No <u>current information</u> (within 3 years) is available or the person is refusing to have additional testing completed.	...because information within the last 3 years is not available and you are not interested/willing to complete a new psychological evaluation. <i>[Also list out what type of information is needed –IQ testing, adaptive testing, diagnostic interview.]</i>	411-320-0020(10); 411-320-0080(6)(d)
School-Aged Children / Adults			
School	<u>Adaptive behavior scores</u>	Diagnosis of DD but not ID –	<u>Adult:</u> <u>School Aged:</u>

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<p>Aged/ Adult</p>	<p>are over 70 and there are not at least 2 areas that are more than 2 standard deviations below the norm. <i>[Regardless of what IQ score is or the diagnosis of an other developmental disability.]</i></p>	<p>Although you have a condition of <i>[specify the specific developmental disability]</i>, you do not have significant impairments in your adaptive behavior, meaning a composite score of 70 or below on your <i>[name adaptive test]</i> or 2 or more areas of functioning that are a score of 70 or below. Specifically, your adaptive behavior scores are <i>[identify specific adaptive behavior scores]</i>. <i>[Additionally explain why they do not meet ID criteria – either their IQ score(s) is over 75, OR it is below 75, but because of their adaptive behavior scores, they do not meet this criteria] Do they meet criteria for training and supports similar to ID?]</i></p> <p>OR</p> <p>Diagnosis of ID – Although you have an intellectual disability, you do not have significant impairments in your adaptive behavior, meaning a composite score of 70 or under on your <i>[name adaptive test]</i> or 2 or more areas of functioning that are a score of 70 or below. Specifically, your adaptive behavior scores are <i>[identify specific adaptive behavior scores]</i>. <i>[Discuss whether they have any other developmental disability and why they are not eligible under that condition, if applicable]</i></p>	<p>411-320-0020(3)(e); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4)(a); and 411-320-0080(7)(a)</p> <p>OR</p> <p>411-320-0020(3)(e); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3)(a); 411-320-0080(4); and 411-320-0080(7)(a)</p>	<p>411-320-0020(3)(e); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4)(a); and 411-320-0080(6)(c)</p> <p>OR</p> <p>411-320-0020(3)(e); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3)(a); 411-320-0080(6); and 411-320-0080(6)(c)</p>
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School Aged/ Adult	<u>No diagnosis</u> of any other developmental disability and IQ scores are over 75.	You do not have an intellectual disability because your IQ score is above 75 and you have not been diagnosed with any other developmental disability that originates in and directly affects the brain.	<u>Adult:</u> 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)(a)	<u>School Aged:</u> 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(6)(c)
School Aged/ Adult	<u>Impairments in adaptive behavior</u> are not directly related to an intellectual disability or any other developmental disability.	...because your impairments in adaptive behavior have been found to be primarily attributed to <i>[list out specific condition that the impairments in adaptive behavior are primarily related to]</i> and not directly related to an intellectual disability or any other developmental disability.	<u>Adult:</u> 411-320-0080(3)(b); 411-320-0080(4)(b); and 411-320-0080(7)	<u>School aged:</u> 411-320-0080(3)(b); 411-320-0080(4)(b); and 411-320-0080(6)
School Aged/ Adult	Condition is based on a <u>provisional diagnosis</u> and it is unknown whether the condition <u>will last indefinitely</u> or is suspected that it will not	...because your condition of intellectual disability (IQ scores 75 or below) is provisional, and we are not able to determine that your condition will last indefinitely. In addition, you do not have any other developmental disability.	<u>Adult:</u> 411-320-0020(11); 411-320-0020(19); 411-320-0080(3);	<u>School aged:</u> 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4);

411-320-

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	last indefinitely.	<p style="text-align: center;">OR</p> <p>...because your condition of <i>[list DD condition]</i> is provisional, and we are not able to determine that your condition will last indefinitely. In addition, you do not have intellectual disability.</p>	<p>0080(4); and 411-320-0080(7)</p> <p style="text-align: center;">OR</p> <p>411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p>	<p>and 411-320-0080(6)</p> <p style="text-align: center;">OR</p> <p>411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(6)</p>
School Aged/ Adult	<p><u>Training and supports</u> are NOT similar to an intellectual disability. The composite and all domain area scores are over 70.</p> <p><i>This is specific to DD-only determinations. Does NOT apply to</i></p>	<p>Although you have a diagnosis of <i>[list specific DD condition]</i>, you do not require training or support similar to that required by individuals with an intellectual disability. Specifically, this means that on the <i>[list adaptive assessment]</i> assessment of adaptive behavior, you do not have a composite score or a domain area score that is a 70 or below. <i>[If they do not meet the definition for “significant impairments in adaptive behavior” then you</i></p>	<p><u>Adult:</u> 411-320-0020(11)(e); 411-320-0020(8); 411-320-0020(12); 411-320-0080(4)(a) (B); and 411-320-0080(7)</p>	<p><u>School aged:</u> 411-320-0020(11)(e); 411-320-0020(8); 411-320-0020(12); 411-320-0080(4)(a) (B); and 411-320-0080(6)</p>

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	<i>Intellectual Disability.</i>	<i>should include language and OARs around that section as well.]</i>		
School Aged/ Adult	<p>Current IQ score 75 or under but <u>no history of having ID</u> prior to the current test. No other developmental disability.</p> <p>OR</p> <p>Current diagnosis of an other developmental disability but <u>no history of having this diagnosis</u> prior to the current evaluation and no evidence that it was a condition that they have had. No condition of intellectual disability.</p>	<p>...because you do not have a history of an intellectual disability (IQ scores 75 or under). Prior to the most recent IQ score, your IQ scores were <i>[list dates of tests and FSIQs]</i>. In addition, you do not have a diagnosis of any other developmental disability.</p> <p>OR</p> <p>...because there is no history supporting your diagnosis of <i>[list their other developmental disability diagnosis]</i>. Specifically, previous reports from <i>[list reports from other qualified professionals]</i> did not support this diagnosis. In addition, you do not have an intellectual disability (IQ scores 75 or under).</p>	<p><u>Adult:</u> 411-320-0020(11); 411-320-0020(21); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p> <p>OR</p> <p>411-320-0020(11); 411-320-0020(21); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p>	<p><u>School aged:</u> 411-320-0020(11); 411-320-0020(21); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(6)</p> <p>OR</p> <p>411-320-0020(11); 411-320-0020(21); 411-320-0020(19); 411-320-0080(3); and 411-320-0080(6)</p>

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School Aged/ Adult	IQ and/or adaptive testing is <u>not considered valid</u> or is found to be inconclusive. <i>[This assumes that you have made every effort to get valid and conclusive testing or information, but the doctor is unable to make any affirmative conclusion or diagnosis.]</i>	<p>...because we are not able to determine if you meet our definition for intellectual disability. According to Dr. XXX, the IQ testing cannot be considered valid because <i>[list reason that testing was not considered valid]</i>. Further, you have not been diagnosed with any other developmental disability.</p> <p>OR</p> <p>...because we are not able to determine if you have significant impairments in your adaptive behavior. According to Dr. XXX, the adaptive assessment results are not considered valid because <i>[list reason that testing was not considered valid]</i>.</p>	<p><i>Adult:</i> 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p> <p>OR</p> <p>411-320-0020(3); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p>	<p><i>School aged:</i> 411-320-0020(11); 411-320-0020(19); 411-320-0080(4); 411-320-0080(5); and 411-320-0080(6)</p> <p>OR</p> <p>411-320-0020(3); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(6)</p>
Adults				
Adult	No documentation for any other developmental	...because we are not able to document that you have a history of any other developmental	411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-	

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	disability <u>prior to the age of 22</u> [after following OAR 411-320-0080(10) of what to do in the absence of data in developmental years] and no condition of intellectual disability.	disability prior to the age of 22 [<i>Identify the reason that you cannot support any other developmental disability prior to age 22 or the evidence you are relying on to make this statement</i>]. In addition, you do not have an intellectual disability (IQ scores 75 and below).	320-0080(4); 411-320-0080(7); and 411-320-0080(8)
Adult	Unable to determine that the person had a condition of intellectual disability <u>prior to the age of 18</u> . [After following OAR, 411-320-0080(10) of what to do in the absence of data in developmental years] and they have no other developmental disability.	...because we are not able to determine that you have a history of intellectual disability (IQ scores 75 or below) prior to the age of 18 [<i>Identify the reason that you cannot support ID prior to age 18</i>]. In addition, you have not been diagnosed with any other developmental disability.	411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411- 320-0080(4); 411-320-0080(7); and 411-320-0080(9)
Adult	<u>No current information is available</u> or the person is refusing to have additional testing completed. OR Adult testing is required	...because information [<i>select applicable statement: within the last 3 years OR after the age of 17</i>] is not available and you are not interested/willing to complete a new psychological evaluation. OR ...because there is no adult testing available	Under 21 – 411-320-0020(10); 411-320- 0080(7)(b)(A) Over 21 – 411-320-0020(10); 411-320- 0080(7)(b)(B) OR

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	but there is <u>no adult testing</u> available and the person is refusing to complete a new psychological evaluation.	and you are not interested/willing to complete a new psychological evaluation.	<p>Under 21 – 411-320-0020(10); 411-320-0080(7)(a); 411-320-0080(7)(b)(A)</p> <p>Over 21 – 411-320-0020(10); 411-320-0080(7)(a); 411-320-0080(7)(b)(B)</p>
Adult	Has a documented intellectual disability or an other developmental disability, but no evidence that there were <u>adaptive delays prior to the age of 18/22</u> . <i>[This would mean that you have evidence that they did <u>not</u> have adaptive behavior impairments (based on standardized assessments) prior to 18/22- part of the definition of MR/ID/ID and DD include having adaptive deficits.]</i>	<p>...because, although you have <i>[list DD diagnosis]</i> we are unable to document that you had significant impairments in your adaptive behavior prior to the age of 22, because <i>[discuss the evidence that you are basing your determination on]</i>. In addition, you do not have an intellectual disability.</p> <p>OR</p> <p>...because, although you have an intellectual disability we are unable to document that you had significant impairments in your adaptive behavior prior to the age of 18 because <i>[discuss the evidence that you are basing your determination on]</i>. In addition, you do not have any other developmental disability.</p>	<p>DD Diagnosis – 411-320-0020(3); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p> <p>OR</p> <p>ID Diagnosis – 411-320-0020(3); 411-320-0020(11); 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); and 411-320-0080(7)</p>

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<p>Adult</p>	<p>Person has a <u>history of severe head trauma, significant mental or emotional disorder and/or evidence of substance abuse</u> post age 18/22 and unable to determine if there were adaptive deficits or a condition of intellectual disability or other developmental disability prior to 18/22. <i>[after following 411-320-0080(10) regarding what to do when there is significant mental or emotional disorder, substance abuse or head trauma].</i></p>	<p>...because we are unable to determine if you had a condition of intellectual disability (IQ scores 75 and below) or a other developmental disability prior to 18 or 22 respectfully. <i>[explain the reason that you are unable to make the determination that the ID/DD manifested prior to 18/22].</i></p>	<p>ID/DD 411-320-0020(11) ; 411-320-0020(19); 411-320-0080(3); 411-320-0080(4); 411-320-0080(7); 411-320-0080(8)</p>
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