



COLORADO
Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

Developmental Disability and Delay Determinations

Frequently Asked Questions (FAQs) September 2019

The following FAQs were developed in response to questions asked during a Department of Health Care Policy & Financing (Department) training about determining development disability and delay. The training occurred on in June 2019 and can be found at <https://www.colorado.gov/hcpf/long-term-services-and-supports-training>.

What is the difference between a Developmental Delay Determination and a Developmental Disability Determination?

Developmental Delay Determinations are completed for children from birth to age 5 only and used to determine the existence of a delay in development. Individuals over the age of 5 require a Developmental Disability Determination to be completed. This determination is much more extensive, is considered a permanent determination in most cases, and used to constitute a substantial disability to the affected individual.

When is a Developmental Disability Determination or a Developmental Delay Determination required?

These determinations are required for individuals who are interested in accessing Home and Community-Based Services (HCBS) waivers for individuals with intellectual and developmental disabilities (IDD) and/or state general-funded programs including State Supported Living Services (State SLS) and Family Support Services Program (FSSP) for individuals with IDD. A Developmental Disability Determination does not constitute a determination of eligibility for services or supports.

The Community Centered Board (CCB) shall determine whether a person has a developmental disability and therefore **may** be eligible to receive services and supports. Eligibility for Medicaid-funded programs specific to persons with developmental disabilities shall be determined pursuant to the Department's Medical Assistance rules (10 CCR 2505-10).

Does the adaptive assessment tool used always need to be the most current and up-to-date version?

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The Department expects regulations located in 10 CCR 2505-10 8.600.4, Definitions, to be followed by the CCB or designated agency reviewing the assessments to make a Developmental Disability Determination. The Department recognizes that the Colorado public education system may experience delays in purchasing the newest version of these assessments due to budget constraints. In these unique situations, where the only option for testing is the individual's public school, and that school uses an assessment one version behind the current, then the CCB or designated agency could accept this assessment to make a Developmental Disability Determination. Private schools and/or private testing centers/agencies would not qualify for this exception to regulation.

Are the Department prescribed forms for a Developmental Disability Determination required to be used for a Developmental Delay Determination?

Regulations found at 10 CCR 2505-10 8.607.2 are specific to a Developmental Disability Determination only and are not applicable to a Developmental Delay Determination. Each CCB may choose to use the Department prescribed request and decision forms for a Developmental Delay Determination or create their own. Determination decisions for both delay and disability determinations must be kept on file at the CCB and entered into the Department prescribed system.

Does the CCB need to provide notification to an applicant of the decision of a Developmental Disability Determination?

The CCB making the Developmental Disability Determination shall, in writing, notify the applicant or legal guardian, and the authorized person requesting the determination if other than the applicant or legal guardian, and other such persons as designated by the applicant, of the decision. For persons determined to have a developmental disability, notification must contain an explanation of the process that will occur next and notice that, at a minimum, an Individualized Plan shall be developed upon enrollment into a developmental disability service.

For persons determined *not* to have a developmental disability or persons whose request is closed without the determination of a developmental disability, the CCB must state the reasons for the determination or closure and provide a written Long Term Care Notice of Action form in accordance with the provisions of 10 CCR 2505-10 8.057, et seq., regarding the applicant's right to appeal the decision to the Office of Administrative Courts.

For more information contact

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