Rules Implementing the DD Act – Summary of Comments

GENERAL

- HCBS Rules – should they be referenced / is it premature to reference
- SOCP – what should be included / what should not be included

Part 1 – Definitions

- 19 Comment Sections
  - Opinions on the definition of
    - Adult
    - Agency
    - Authorized Funding Limit
    - Clinical Services
    - Crisis Services
    - Home & Community Based Services
    - Home Supports
    - Network
    - Qualified DD Professional
    - Respite
    - How this correlates with SOC and GC Waiver
    - Supportive Services
    - Transportation

Part 2 - Criteria for Determining Developmental Disability

- 2 Comments
  - Definition is more restrictive than Diagnostic Services Manual; more reliance on test scores than adaptive and functional skills deficits
  - Requirement for diagnostician to state the rationale if different findings than previously determined

Part 3 – Recipient Criteria

- 1 Comment Section

Part 4 - Application, Assessment, Funding Authorization, Programs and Funding Sources, Notification, Support Planning and Periodic Review

- 49 Comment Sections
  - Grammar
  - Advocacy for broadening definition, amounts and access
  - Advocacy for wording that prevents cuts to services without legislative action
  - Streamline the approval process
- Guarantees of one-time funding to agencies
- Advocacy to retain DS dollars for DS use through transparency
- Advocacy to release more funds to agencies for fiscal stability

Part 5 – Self/Family Managed Services

- 9 Comment Sections
  - Advocacy to preserve the independence of self-managed and family managed
  - Reconsideration of roles
  - Advocacy to enhance funding availability

Part 7 – Special Care Procedures

- 3 Comment Sections
  - Consistency with the Office of Professional Regulation and Board of Nursing
  - Preserve the role of RN over LPN

Part 8 – Grievance, Internal Appeal and Fair Hearing

- 1 Comment Section
  - Extending timeline for appeal is a good idea

Part 9 – Training

- 4 Comment Sections
  - Appreciation of new specificity and topics
  - Demonstration of knowledge needs specificity
  - Too many exceptions to protections in cases of emergencies

Part 10 – Certification of Providers

- 8 Comment Sections
  - Quality standards should not be weakened
  - Recommendation for case management certification
  - Need for independent case managers