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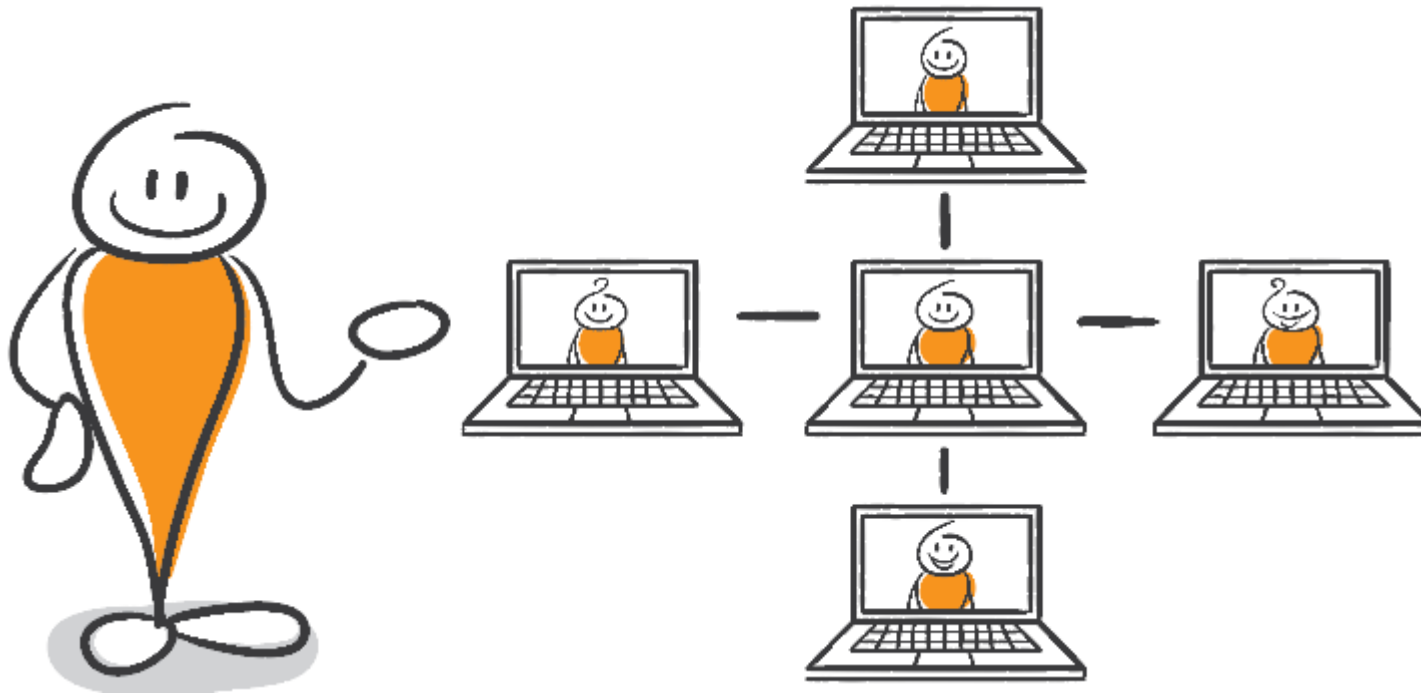
## Building a Strong Foundation of Knowledge: Rule 185 and the Developmental Disability Waiver

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# Introductions



- Intro
- MN Rule 9525 (Rule 185) Overview
- Rule 185 Case Management
- Rule 185 Case Management Eligibility
- Resources and Tools

# Learning Objectives

After this session, learners will be able to:

- Summarize the history of MN Rule 9525 (Rule 185).
- Understand the purpose of MN Rule 9525 (Rule 185).
- Summarize the qualifications for eligibility for Rule 185 Case Management.
- Recognize the responsibilities of Rule 185 Case Managers.
- List some of the services supported by Rule 185 Case Management.

# Acronyms

- **CMS:** Centers for Medicare and Medicaid
- **CSG:** Consumer Support Grant
- **CSP:** Community Support Plan
- **CSSP:** Coordinated Services and Support Plan
- **DD:** Developmental Disabilities Waiver
- **DD/ RC:** Developmental Disabilities/ Related Conditions
- **DT&H:** Day Training and Habilitation
- **FSG:** Family Support Grant
- **HCBS:** Home and Community Based Services
- **ICF/DD Facility:** Intermediate Care Facilities for persons with Developmental Disabilities

# Acronyms, continued

- **LTSS:** Long-Term Services and Supports
- **MA:** Medical Assistance
- **PCA:** Personal Care Assistant
- **QDDP:** Qualified Developmental Disability Professional
- **RC:** Related Conditions
- **SILS:** Semi-Independent Living Services
- **VA/DD TCM:** Vulnerable Adult/Developmental Disabilities Targeted Case Management
- [Online Glossary](#)



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An overview of MN Rule 9525 (Rule 185)

# History of Rule 185 Case Management and the DD Waiver

- 1974 Developmental Disabilities Act passed by the US Congress
- Using federal guidelines, MN established Rule 185; Revised in 1991, to MN Rule 9525.
- Prior to 1983 the two major options for providing residential services for persons with DD/RC:
  - Regional Treatment Centers (RTCs)
  - Intermediate Care Facilities (ICF/DD)
- 1984 Developmental Disability (DD Waiver) approved by CMS



# What does the law say?

- Lists the standards that govern services available to people with developmental disabilities and related conditions.
- Defines “developmental disability” and “related conditions”
- Defines the eligibility requirements for services and supports

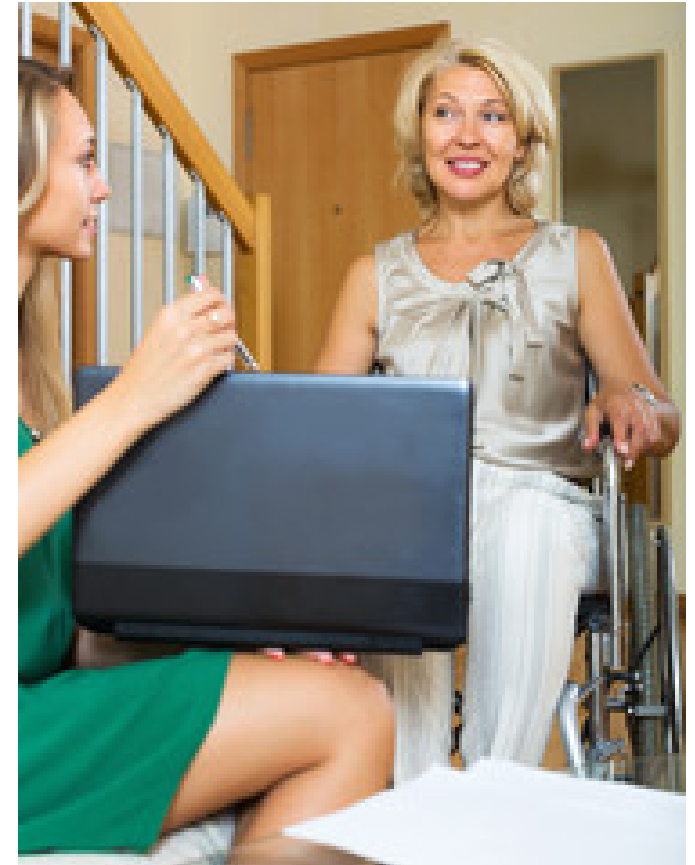


# What does the law mean for people we serve?

- Defines whether a person is eligible for these services
- Provides access to and coordination of supports and services
- Supports people with developmental disabilities in living a better life

# How does the law guide case managers?

- Defines the service of case management
- Defines the eligibility requirements for services and supports





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Rule 185 Case Management Eligibility

# Eligibility for DD/Rule 185 Case Management

- There are two ways that a person can qualify for DD/Rule 185 case management:
  1. The diagnostic determination process determines that a person has a developmental disability *or*
  2. The diagnostic determination revealed a related condition that could potentially make the person eligible for Rule 185 case management services

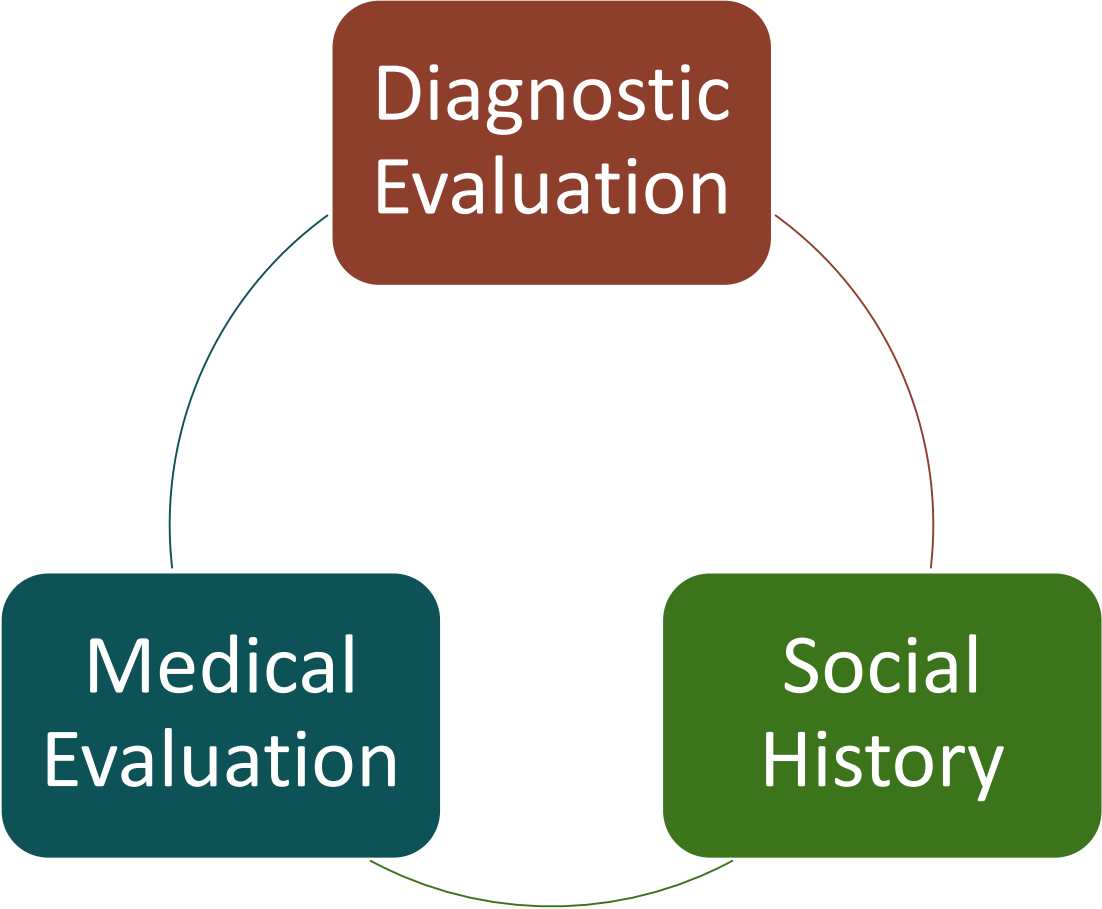
# What is a Qualified developmental disability professional (QDDP)?

Individual qualified to work as an expert with people with developmental disabilities or related conditions

- Four-year college degree in an area related to developmental disabilities and
- Minimum of one-year experience working in that field.
- Must be employed by a county or tribal nation

For the federal definition of a QDDP, see [42 CFR 483.430](#).

# Diagnostic Determination Process



# What qualifies as a “comprehensive diagnostic evaluation?”

- **Comprehensive Diagnostic Evaluation:**
  - Standardized test of intellectual functioning and an assessment of adaptive skills, OR
  - For children under the age of five, standardized assessments of developmental functioning.



Information about the person's social and developmental history:

- When was the person diagnosed
- Previous and current support
- Factors that may have contributed to person's current functioning level
- Any supporting or contradicting information that the person had a developmental disability before the age of 22

# Medical Evaluation

- Medical evaluation of the person
  - The medical evaluation must be performed by a licensed physician no more than 12 months before the date of application for case management
- The medical evaluation must evaluate the individual's general health, including vision, hearing, and any physical or neurological disorders
- The case manager must request that the evaluation include the physician's comments on the individual's mental health and emotional well-being, if known

# What is a Developmental Disability?

- **“Substantial functional limitations and significantly sub-average intellectual functioning...”**
  - **Substantial functional limitations:** long term inability to significantly perform an activity or task
  - **Significantly sub-average intellectual functioning:** full scale IQ score of 70 or less, based on assessment that includes 1 or more individually administered standardized intelligence tests developed for the purpose of assessing intellectual functioning.

# “Developmental Disability” continued

- “... exists concurrently with demonstrated **deficits in adaptive behavior.**”
  - **Deficits in adaptive behavior:** significant limitation in a person’s effectiveness in meeting the standards of maturation, personal independence and social responsibility expected for the person’s age level and cultural group, as determined by clinical assessment and, generally, standardized scales
- All conditions are manifested before the person’s 22nd birthday.

# Developmental Disability diagnostic determination

- Questions to ask when determining if someone is eligible for DD/Rule 185 case management services:
  - Is the IQ score 70 or below? *And*
  - Was the condition present prior to the person's 22<sup>nd</sup> birthday? *If no...*
  - Is there another condition is present? If so, move on to related conditions checklist.



# Timmy Triangle

Stanford–Binet Fifth Edition (SB5) classification <sup>[33][38]</sup>	
IQ Range ("deviation IQ")	IQ Classification
145–160	Very gifted or highly advanced
130–144	Gifted or very advanced
120–129	Superior
110–119	High average
90–109	Average
80–89	Low average
70–79	Borderline impaired or delayed
55–69	Mildly impaired or delayed
40–54	Moderately impaired or delayed

Person has a  
developmental  
disability

- End diagnostic determination process, move the person on to Rule 185 Case Management

Person  
does not  
have a DD  
diagnosis

- Continue with the diagnostic determination process
- Complete related conditions checklist

# Related Conditions

- [DHS Form 3848](#): Related Conditions Checklist, guides the process of determining if a person has a related condition.
- The form assists the QDDP;
  - Determines if the needed information has been collected and
  - Summarizes the results of the Assessments, history, level of functioning, and treatment needs

The Related Conditions Checklist is completed annually

# Related Conditions Checklist

## *Disability Services Division* **Related Conditions Checklist**

YES	NO	Question
<input type="radio"/>	<input checked="" type="radio"/>	1. Is the condition attributable to a mental illness (adult)? See <a href="#">Minn. Stat. §245.462</a> , subd. 20 for the statutory definition of mental illness.
<input type="radio"/>	<input checked="" type="radio"/>	2. Is the condition attributable to an emotional disturbance (child)? See <a href="#">Minn. Stat. §245.4871</a> , subd 6, subd. 15 for the statutory definition of emotional disturbance.
<input type="radio"/>	<input type="radio"/>	3. If <b>NO</b> to 1 or 2 above, go to Question 4. If <b>YES</b> to 1 or 2 above, please answer the following question. Are the person's current deficits in intellectual functioning and/or adaptive skills clearly attributable to the diagnosis of mental illness or emotional disturbance?

# Eligibility, Dual Diagnosis with Mental Health

## 1. Questions to ask when determining if someone with a dual diagnosis is eligible:

- Does person have a diagnosis that is primarily attributed to mental health (excluding autism)?
- If deficits are not attributable to diagnosis, what other condition is present?

# Dual Diagnosis with Mental Health, continued

- Is the person's adaptive behavior similar to that of someone with a developmental disability?
- Does the person require skill development or services similar to those needed by someone with a developmental disability?



# Eligibility, Dual Diagnosis with Emotional Disturbance

## 2. Questions to ask when determining if someone with a dual diagnosis is eligible:

- Does person have a diagnosis that is attributable to an emotional disturbance (excluding autism)
- If deficits are not attributable to diagnosis, what other condition is present?

# Dual Diagnosis with Emotional Disturbance, continued

- Questions to ask:
  - Is the person's adaptive behavior similar to that of someone with a developmental disability?
  - Does the person require treatment or services similar to those needed by someone with a developmental disability?



# Related Conditions checklist, continued

<input checked="" type="radio"/>	<input type="radio"/>	4. Is the condition severe?
<input checked="" type="radio"/>	<input type="radio"/>	5. Is the condition chronic?
<input checked="" type="radio"/>	<input type="radio"/>	6. Is the condition attributable to a condition closely related to developmental disability because the condition results in impairment of general intellectual functions OR adaptive behavior similar to that of persons with developmental disability? See test results in comment section.
<input checked="" type="radio"/>	<input type="radio"/>	7. Does the condition require treatment/services similar to those required by a person with developmental disability?
<input checked="" type="radio"/>	<input type="radio"/>	8. Was the condition manifested before the age of 22?
<input checked="" type="radio"/>	<input type="radio"/>	9. Is the condition likely to continue indefinitely?

# What is a “Related Condition?”

6. Is found to be closely related to developmental disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with developmental disability
7. Requires treatment or services similar to those required for persons with developmental disability

## “Related Conditions” continued

8. Is manifested before the person reaches 22 years of age

9. Is likely to continue indefinitely



# Related Conditions Checklist, continued

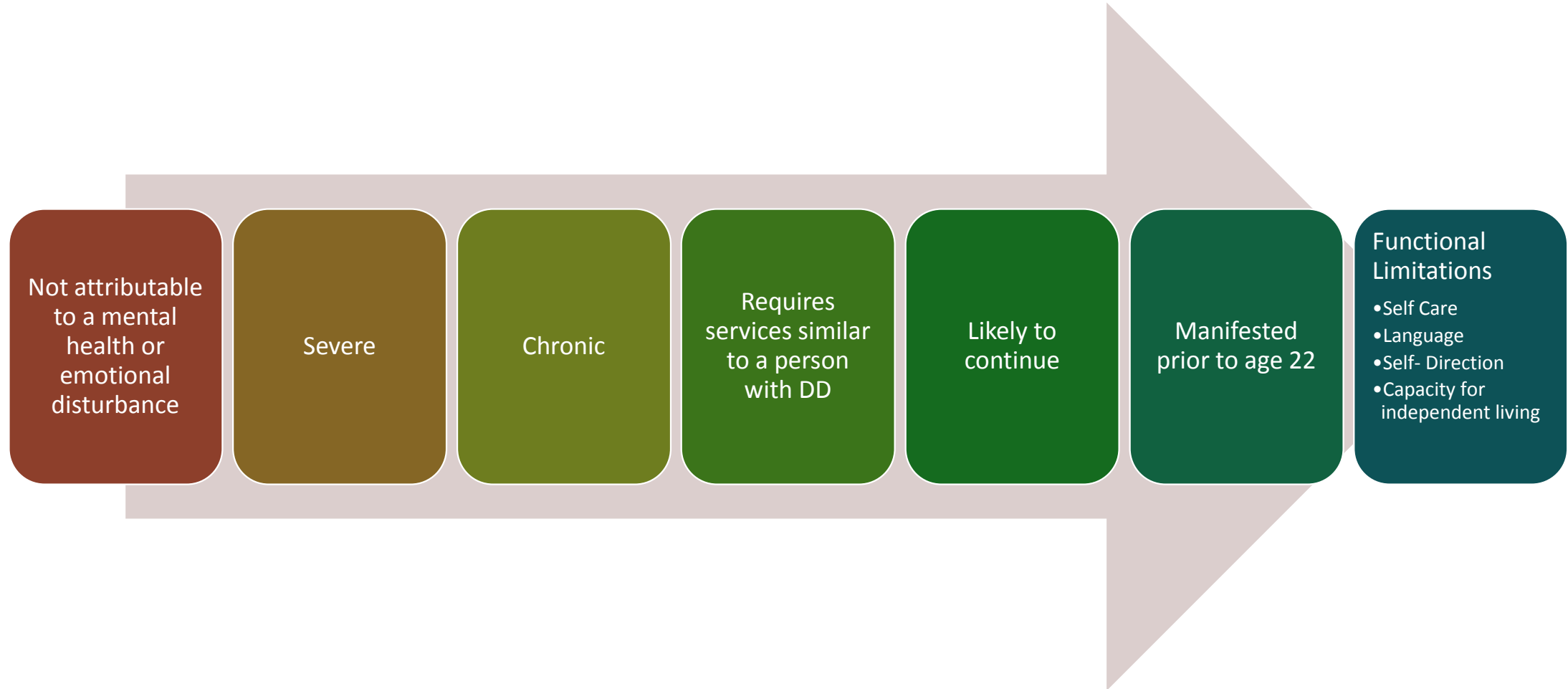
		10. Consider how a person without identified deficits and of the same age as this person would perform in the following areas of life activities. Compare how this person would perform to determine whether he or she has substantial functional limitations in <b>three or more</b> of these areas. Using all diagnostic and assessment information, check “ <b>YES</b> ” below to those that apply, check “ <b>NO</b> ” to those that do not apply.
<input type="radio"/>	<input type="radio"/>	<b>Self Care</b> – Long term condition that results in a need for physical, gestural, pictorial or verbal assistance to perform most or all personal care activities particularly in the areas of eating, grooming, personal hygiene and toileting.
<input type="radio"/>	<input type="radio"/>	<b>Understanding and Use of Language</b> – Long-term condition that impairs a person’s ability to communicate effectively using expressive or receptive communication.
<input type="radio"/>	<input type="radio"/>	<b>Learning</b> – Long term condition that impairs a person’s ability to acquire, retain and transfer skills learned in one environment to new settings, even with specialized intervention.
<input type="radio"/>	<input type="radio"/>	<b>Mobility</b> – Long term physical condition that impairs a person’s ability to move independently from one place to another, or results in a need for a barrier free environment and extended amounts of time to move from one place to another.
<input type="radio"/>	<input type="radio"/>	<b>Self-Direction</b> – Long term condition that impairs the person’s ability to independently plan, initiate, problem solve, organize and carry out a goal-directed activity in a manner that sustains personal safety and/or the safety of others.
<input type="radio"/>	<input type="radio"/>	<b>Capacity for Independent Living</b> – Long term condition that impairs the person’s ability to perform at age appropriate levels in at least three areas of independent living such as attending school or working, home living, engaging in leisure or recreation, using the community and socializing with others.

# Areas of Functional Limitations

4. Results in substantial functional limitations in three or more of the following areas of major life activity:

- A. Self-care
- B. Understanding and use of language
- C. Learning
- D. Mobility
- E. Self-direction
- F. Capacity for Independent Living

# Mohammed Amari, an example RC Checklist





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Rule 185 Case Management

# Rule 185 Case Management



Case Managers support people living with DD/RC with gaining access to needed:

- Social
- Medical
- Educational
- Other supports & services

# DD/Rule 185 Case Management Standards

## Case managers must ensure:

- Informed choice
- Needed services and supports are identified and in place
- Cost-effective services and supports
- Continuity of services and supports
- Services monitored and delivered consistent with goals

# DD/Rule 185 Case Manager duties

- Reasonably ensures medical, health and safety needs are met
- Review DD Rule 185 case management eligibility, as needed
- Ensure MnCHOICES assessments occur timely (see [CBSM-Choice to waive an annual assessment](#))
- Complete the CSSP with the person annually
- Authorize services and supports as appropriate

# Rule 185 Case Management Monitoring

- Case Managers are required to have a minimum of two face to face contacts per 12 month period.



# Choice to waive an annual assessment on Rule 185

This policy allows a person to choose to waive the annual MnCHOICES reassessment when:

- There are no changes to his or her current, non-Medicaid funded support plan (including no changes to guardianship status)
- People who receive Rule 185 developmental disability or related condition (DD/RC) case management without any other services
- People who receive Rule 185 DD/RC case management with services not funded by Medicaid (e.g., SILS, county-paid DT&H).

## **When a person chooses to waive their annual assessment:**

- A CSSP is required within 365 days of the date of the person's last signed CSSP

## **When a person chooses to have a MnCHOICES assessment:**

- The CSSP is completed within 10 business days of receiving the person's CSP

# Design and Delivery of Services

- According to [MN Rule 9525](#) these services are to be designed and delivered consistent with the following goals:
  - Recognize the person's history, dignity, and cultural background
  - Protect the person's civil and legal rights



# Design and Delivery of Services, continued

AND

- Services and supports will:
  - Promote community inclusion and self-sufficiency
  - Provide services in the least restrictive environment
  - Promote social relationships, natural supports, and participating in community life
  - Allow for a balance between safety and opportunities
  - Provide opportunities for exercise of age-appropriate skills, decision-making and choice, personal advocacy and communication.

# Access to services

- Some of the services that Rule 185 Case Management can assist a person in accessing are:
  - County-funded Day Training and Habilitation (DT&H)
  - Semi-Independent Living Services (SILS)
  - Family Support Grant (FSG)
  - Consumer Support Grant (CSG)
  - Personal Care Assistant (PCA)
  - Home Health Aide



# DD/Rule 185 Case Management Funding

- **Adults** – Vulnerable Adult/Developmental Disability Targeted Case Management ([VA/DD TCM](#))
- **Children-** No funding source

# Rule 185 Case Management only vs DD Waiver



Rule 185

DD Waiver



**Questions**



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Resources and Tools

# Where to Find: Assessment & Eligibility Resources

- [CBSM Rule 185/DD Case Management Eligibility](#)
- DD [Diagnosis Determination](#)
- [ICF/DD level of care](#) CBSM
- [Developmental Disabilities \(DD\) Waiver](#) CBSM
- [Waiver Case Management](#) CBSM
- [MnCHOICES on County Link](#)

# Where to Find: DHS Forms

- DD [Forms List](#)
- Related Conditions Checklist/Instructions [DHS-3848](#)
- [Community Support Plan with the Coordinated Services and Supports Plan \(DHS-6791B\)](#)
- [MnCHOICES Coordinated Services and Supports Plan Signature Sheet \(DHS-6791D\)](#)
- [Data Privacy Practices \(DHS-4839E\)](#) or Agency Form

# Where to Find: DHS Forms, continued

- [Minnesota Health Care Programs \(DHS-3182\)](#)
- [Your Appeal Rights \(DHS-1941\)](#)
- [Notice of Action – Assessments and Reassessments \(DHS-2828A\)](#)
- [Notice of Action – Service Plan \(DHS-2828B\)](#)
- [Notice of Action: Instructional Guidance](#)

# Where to Find: Guidance Documents

- [DD Screening Codebook](#)
- [DD Screening Scenarios](#)
- [Screening Document Fields](#)
- [MnCHOICES DD Screening Document Guidance](#)
- [DD/RC Process Guidelines with MnCHOICES](#)
- [DD Waiver waiting list guide](#)
- [Choice to Waive CBSM Page](#)

# Where to Find: DD Program & Service Information

- [MN's Community-based Services Manual \(CBSM\)](#)
- [Semi-independent living services \(SILS\)](#)
- [Family Support Grant \(FSG\)](#)
- [Consumer Support Grant \(CSG\)](#)
- [ICF/DD CBSM](#)

# Where to Find: Resource Management Guidance

- CBSM [DD Allocations & Resources](#)
- CBSM [Waiver Management System \(WMS\)](#) – includes new user video modules
- CBSM [How to transfer resources in WMS for CFR Changes](#)

# Where to Find: Legal References

- [MN Rule 9525.0004 - 9525.0036](#)
- [MN Statute 256B.092 Services for Persons with Developmental Disabilities](#)
- Waiver requirements for level of care: Code of Federal Regulations 42, [Section 441.301](#)
- [HCBS Final Rule YouTube Video](#)

# Where to Find: DHS Websites

- [Person-Centered Practices](#)
- [Disability Benefits 101](#)
- [Disability Hub MN](#)
- [www.MNHelp.info](#)
- [I Know Me!](#)

# Where to Find: Conflict Resolution Resources

## Team conflict resolution resources:

- [Formal person-centered planning](#)
- [Arc of Minnesota](#)
- [Volunteers of America](#)
- [Responsibility Doughnut](#)
- [4+1](#)
- [Working/Not Working](#)

# Where to Find: Planning a move & employment resources

## Planning a move resources

- [DHS My Move Plan Summary](#)
- [Person-centered, Informed Choice and Transition Protocol](#)
- [Tech 4 home](#)
- [Home delivered meals](#)

## Employment

- [MN DHS employment first website](#)

# Where to Find: Other tools, information and support

## Resource Shortage support:

- [One Page Profile](#)
- [Matching](#)
- [CDCS](#)

## Guardianship or Supported Decision Making questions:

- [WINGS Minnesota](#)
- [MAGiC](#)

# Still have Questions?

- **DD Screening Document/MMIS** Help- [DSD Resource Center CBSM Page](#)
- **MnCHOICES** application or policy questions are submitted by mentors on [MnCHOICES Help Desk Contact Form DHS-6979](#)
- **DWRS** – Rates questions are submitted by mentors on [Rates Mentor Inquiry Form](#)
- **Submit other questions** to your RRS at [dsd.rrs@state.mn.us](mailto:dsd.rrs@state.mn.us)

# Thank You!

[DSD.RRS@state.mn.us](mailto:DSD.RRS@state.mn.us)