

ASPERGER'S DISORDER

(PDD, NOS)

A 17 year old male diagnosed with Asperger's disorder has applied for eligibility. He is in the regular class with monitoring by a special education teacher. While there are significant social interaction problems (i.e., problems with give and take in verbal dialogues that leads to frustration and isolation), and defiance, along with resistance to complete daily activities, he does not demonstrate delays in cognitive functioning, self-care, mobility, nor language as would be expected with an Asperger's diagnosis. His self-direction is sometimes influenced by the odd manner in which he interacts with others and his environment. A PDD, NOS diagnosis had previously been offered, but the Asperger's diagnosis has now clarified the type of pervasive disability. This gentleman walked into the examiner's office for the evaluation. There were many statements in the reports indicating challenging behaviors were present. His ability to live independently is questionable based upon the documentation.

MEDICAL ELIGIBILITY DECISION
FOR CASE STUDY: Asperger's Disorder (PDD NOS)

Significant social issues and non-compliance due to defiance, even if adaptive behavior may be impacted, does not make one eligible for Title XIX Waiver. An individual appropriately diagnosed with Asperger's, by definition, would not require an ICF/MR level of care and as indicated in this narrative does not demonstrate substantial delays in three major life areas. A diagnosis of PDD, NOS is an eligible diagnosis, but once Asperger's is identified, PDD, NOS is no longer applicable. This person would not have an eligible diagnosis nor have substantial delays in three major life areas nor require the active treatment typically provided in an ICF/MR facility and finally would not require an ICF/MR level of care.

CEREBRAL PALSY

William is a 21 year old young man who was diagnosed with cerebral palsy shortly after birth. He has extensive motor involvement and requires full assistance to complete activities of daily living. Fortunately for him, cognitive delay is not present. William was served in the school system as a physically handicapped student. He required modifications in the regular class but was able to graduate with honors. He has since enrolled in college, is on the Dean's list with a major in journalism and is employed part-time as a copy editor for the local newspaper. ABS scores for this application are low in self-care, mobility and in certain aspects of capacity for independent living due to his mobility issues. William has full use of language, has no academic deficits, except in the area of written language, again due to mobility issues. He can make decisions in his own best interest, has well-developed leisure interests but has a restricted social network due to his inability to be mobile. He requires extensive personal assistance as he cannot bathe, toilet, dress, etc on his own, but does not appear to require active treatment to learn these skills as he is physically unable.

MEDICAL ELIGIBILITY DECISION FOR CASE STUDY: Cerebral Palsy

William would not be considered to be eligible for the Title XIX MR/DD Waiver program because he does not require an ICF/MR level of care which includes active treatment. William requires personal assistance due to mobility issues but does not require active treatment. While mobility is severely compromised, William has the intellectual ability and academic skills to be gainfully employed and make decisions in his own best interest. He would not need intensive and aggressive training to learn to utilize adaptive equipment, for example, because he has the intellectual capacity to grasp such concepts and would quickly learn to utilize such equipment within his physical ability to do so. This case would come to a hearing with the argument being made that he meets criteria in self-care, mobility and capacity for independent living but these are all the result of the physical disability. The Title XIX MR/DD Waiver program is a program for training and active treatment which differs from a need for personal assistance.

DUALLY DIAGNOSED

John is a 35 year old male making his first application for Title XIX MR/DD Waiver. The current psychological evaluation indicates both major mental illness and mild mental retardation with adaptive behavior scores within the eligible range. John's reported history is that he dropped out of high school, where he received special education services on the basis of a learning disability, at age 18. He experienced his first psychiatric hospitalization shortly thereafter and he has been psychiatrically hospitalized 6 times since. He has been treated over the years with a variety of psychotropic medications for a psychotic disorder. The available records make no mention of substantial limitations in mobility, language, self-care, etc. within the developmental period. In fact, John was briefly employed at one time but lost his job due to erratic behavior. Attempts to live independently were likewise unsuccessful due to John's inability to keep himself and his environment in good order. He was able to obtain his driver's license, but no longer drives. He currently resides with his elderly parents who are concerned about his ability to live without their support.

MEDICAL ELIGIBILITY DECISION FOR CASE STUDY: Dually Diagnosed

Although present psychometric data would appear to meet eligibility criteria, John's application would be denied due to the fact that eligible conditions and substantial deficits must have been manifested within the developmental period – prior to age 22. No evidence which supports this was submitted and, in fact, school and social histories are inconsistent with the presence of mental retardation with concurrent substantial deficits occurring within the developmental period. John's performance on intelligence tests and his adaptive functioning is likely compromised now due to years of suffering with a significant mental illness, the use of psychotropic medications and psychiatric institutionalization. The CFR specifically prohibits individuals whose primary handicapping condition is mental illness from eligibility for the Title XIX MR/DD Waiver program.

MILD MR

Mary is a 21 year old high school graduate who was served in the school system as a mildly mentally impaired student. She is eager to move out of her parent's home and live independently and this could be accomplished with Title XIX MR/DD Waiver funding. Mary has consistently scored in the upper end of the mild mental retardation range and she has an academic achievement level that is consistent with her mental ability at approximately the 6th grade level. Mary works part-time at a small local business answering the telephone. She has a bank account but needs assistance to reconcile her checkbook. She is able to dress, toilet and bathe independently and can prepare simple meals and snacks. She is able to perform laundry chores. However, Mary cannot drive or schedule and keep appointments and would need assistance with things such as filling out job applications, paying bills, and planning nutritious meals. Psychometric data included in the DD-3 indicates an IQ of 68 and ABS scores which are below 12 in most domains. Narrative information provided indicates, however, that Mary is fully mobile, has good use of language and can read, write and perform simple math. Mary has a boyfriend and would like to get married and maybe have children one day. She talks to her friends on the phone and loves to dance and go to the movies.

MEDICAL ELIGIBILITY DECISION FOR CASE STUDY: Mild MR

Mary's application would be denied because her level of cognitive and adaptive deficits are mild. In a hearing, the argument for eligibility would be made that because Mary has the Mild MR diagnosis and could not live with total independence, she meets eligibility requirements. However, the Title XIX MR/DD Waiver program is for individuals who require an ICF/MR level of care which includes 24 hour supervision, aggressive active treatment and protective oversight which Mary does not appear to require. The CFR stipulates that generally independent individuals who require occasional supervision and assistance are not the target population for this program. Mary's level of functioning would be considered typical of someone in the upper end of the Mild MR range. This is why the eligibility criteria stipulates IQ's of approximately 55 as those individuals will be more likely to require an ICF/MR level of care. Mary's condition would not meet the criteria of a severe disability by virtue of her mild delays.

RTF DISCHARGE

Sheila is a 12 year old female who is about to be released from a long term psychiatric placement in Florida. Prior to going into the RTF, she had been placed in several foster homes and had attended six different schools. Her discharge summary from the facility includes a diagnosis of mild mental retardation along with mild academic delays. She is in the custody of DHHR and the DHHR guardian is seeking Waiver eligibility. Sheila has been responsible for her self-care while at the RTF. Her current IQ scores are in the low 60's and her adaptive behavior scores are equally mildly delayed. Sheila has been known to defy authority figures with little provocation. Her academic placement had been mainly in regular education before going to the RTF and a school psychological report completed when she was nine years old reflected borderline intellectual functioning. She has no gross nor fine motor difficulties reported. Her language has never been reported as an area of concern.

**MEDICAL ELIGIBILITY DECISION
FOR CASE STUDY: RTF Discharge**

The documentation does not support the severity level required to meet eligibility. Obviously, Sheila is in a RTF which is not an independent living arrangement. She would not be considered eligible unless documentation could be provided to show that her delays were more substantial than presented in this case study. The borderline intellectual functioning at age nine makes her current mild mental retardation diagnosis somewhat suspect and cause for concern regarding the impact of her psychiatric condition would arise. The code of federal regulations specifically eliminates eligibility for individuals whose delays are primarily related to a serious mental illness. Her eligibility would not be approved and may result in a hearing. Substantial delays in three major life areas are not supported by the documentation presented in the case study.