



ADMINISTRATIVE DIRECTIVE

Transmittal:	23-ADM-02
To:	Developmental Disabilities Regional Office Directors
Issuing OPWDD Office:	Division of Statewide Services
Date:	6/27/2023
Subject:	OPWDD Eligibility Determination Process
Suggested Distribution:	Developmental Disabilities State Operations Office (DDSOO) Directors Developmental Disability Regional Office (DDRO) Directors Care Coordination Organization (CCO) CEOs Voluntary Provider Executive Directors
Contact:	Division of Statewide Services (518) 474-3558
Attachments:	OPWDD Advisory Guidelines Determining Eligibility for Services: Substantial Handicap and Developmental Disability

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
	<p>OMRDD Advisory Guideline--Determining Eligibility for Services: Substantial Handicap and Developmental Disability Memorandum (8/10/2001);</p> <p>Clarification of Provisions of the August 2001 Eligibility Advisory Memorandum (12/13/2002);</p> <p>New Wechsler Adult Intelligence Scale and changes to acceptance of the Scales of Independent Behavior-Revised Memorandum (10/17/2008);</p> <p>The Use of Revised/Updated Testing Instruments Memorandum (4/26/2010);</p> <p>Eligibility for OPWDD Services Important Facts Sheet (10/2/2012).</p>	<p>14 NYCRR § 629.1; 629.2</p>	<p>Mental Hygiene Law, §§ 13.07, 13.09[b], 16.00</p>	<p>18 NYCRR § 504.3(a) 18 NYCRR §517.3 14 NYCRR §635-4.5</p>

Purpose:

The Office for People With Developmental Disabilities (OPWDD), through its Developmental Disabilities Regional Offices (DDROs), determines whether a person has a developmental disability, as defined by New York State Mental Hygiene Law, Section 1.03(22), and whether such person is eligible for OPWDD-funded services pursuant to 14 NYCRR §§ 629.1, 629.2.

The purpose of this ADM and its embedded document titled *OPWDD Advisory Guidelines Determining Eligibility for Services: Substantial Handicap and Developmental Disability* (hereinafter “Eligibility Guidelines”) is to establish eligibility procedures for people seeking OPWDD services. The Eligibility Guidelines have been updated to incorporate eligibility-related information previously issued by OPWDD into one document. It also includes updated diagnostic terminology to reflect current diagnostic practices.

The Eligibility Guidelines supersede any contradictory guidance issued in previous OPWDD guidance documents.

Background:

OPWDD determines whether individuals are eligible for OPWDD operated, certified, funded and/or authorized services pursuant to Title 14 of the New York Codes, Rules and Regulations Parts 629.1 and 629.2. These regulations were adopted on December 19, 2018 (amended June 14, 2023), and June 14, 2023, respectively, in accordance with longstanding OPWDD eligibility determination practices. This ADM, and its embedded Eligibility Guidelines, were created to reflect the eligibility determination process as outlined new regulation and consolidate existing OPWDD eligibility related guidance.

Discussion:

14 NYCRR § 629.1 establishes OPWDD’s eligibility determination process. The Eligibility Guidelines provide guidance on clinical and procedural issues related to the determination and review of basic eligibility for OPWDD supports and services.

Documentation Requirements:

Documentation requirements are discussed throughout the attached Eligibility Guidelines.

Records Retention:

Eligibility records must be maintained by the DDRO as part of the individual's clinical record.