

16.000 DEVELOPMENTAL DISABILITIES SERVICES

16.100 GENERAL PROVISIONS

16.110 STATUTORY AUTHORITY

- A. These rules are promulgated under the authorities established in Section 27-10.5, C.R.S.
- B. These rules and the program guidelines, standards and policies of the Colorado Department of Human Services, DIVISION FOR Developmental Disabilities Services, shall apply to all community centered boards, service agencies and regional centers receiving funds administered by the Colorado Department of Human Services.

16.120 DEFINITIONS

"Developmental Disability" means a disability that:

- A. is manifested before the person reaches twenty-two (22) years of age,
- B. which e-Constitutes a substantial disability to the affected individual, AS DEFINED BELOW UNDER C (1) OR (2), and
- C. is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in EITHER impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. ~~Unless otherwise specifically stated, the federal definition of "Developmental Disability" found in 42 U.S.C. 6000, et seq., shall not apply.~~

A.1. "Impairment of general intellectual functioning" means that the person has been determined to have A FULL SCALE an intellectual quotient equivalent SCORE THAT which is two or more standard deviations below the mean (70 or less assuming a scale with a mean of 100 and a standard deviation of 15), ~~as measured by an instrument which is standardized, appropriate to the nature of the person's disability, and administered by a qualified professional. The standard error of measurement of the instrument should be considered when determining the intellectual quotient equivalent. When an individual's general intellectual functioning cannot be measured by a standardized instrument, then the assessment of a qualified professional shall be used.~~ IF A FULL SCALE SCORE CANNOT BE APPROPRIATELY DERIVED, ONLY THEN SHALL A SECONDARY SCORE, COMPARABLE TO THE GENERAL ABILITIES INDEX FOR A WECHSLER INTELLIGENCE SCALES, THAT IS TWO OR MORE STANDARD DEVIATIONS BELOW THE MEAN BE USED.

THIS REVISION:	XVI-08-2	LAST REVISION:	DDS-00-1	REVISION NUMBER
Adopted:	8/1/2008	Adopted:	12/1/2000	3
Effective Date:	10/1/2008	Effective Date:	2/1/2001	

COLORADO DEPARTMENT OF HUMAN SERVICES
DEVELOPMENTAL DISABILITIES SERVICES
RULES

- a. MEASUREMENTS SHALL BE DETERMINED USING A NORM-REFERENCED, STANDARDIZED TEST OF GENERAL INTELLECTUAL FUNCTIONING COMPARABLE TO A COMPREHENSIVELY ADMINISTERED WECHSLER INTELLIGENCE SCALES OR STANFORD-BINET INTELLIGENCE SCALES, AS REVISED OR CURRENT TO THE DATE OF ADMINISTRATION, AND ADMINISTERED BY A LICENSED PSYCHOLOGIST OR A SCHOOL PSYCHOLOGIST
- b. WHEN DETERMINING THE INTELLECTUAL QUOTIENT EQUIVALENT SCORE, A MAXIMUM CONFIDENCE LEVEL OF NINETY PERCENT SHALL BE APPLIED TO THE FULL SCALE SCORE TO DETERMINE IF THE INTERVAL RANGE INCLUDES A SCORE OF 70 OR LESS, AND SHALL BE INTERPRETED TO THE BENEFIT OF THE APPLICANT BEING DETERMINED ELIGIBLE FOR SERVICES.

2. "Adaptive behavior similar to that of a person with mental retardation" means that the person has AN overall adaptive behavior COMPOSITE OR EQUIVALENT SCORE THAT which is two or more standard deviations below the mean.

~~in two or more skill areas (communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work), as measured by an instrument which is standardized, appropriate to the person's living environment, and administered and clinically determined by a qualified professional. These adaptive behavior limitations are a direct result of, or are significantly influenced by, the person's substantial intellectual deficits and may not be attributable to only a physical or sensory impairment or mental illness.~~

A. a. MEASUREMENTS SHALL BE DETERMINED USING A NORM-REFERENCED, STANDARDIZED ASSESSMENT OF ADAPTIVE BEHAVIORS THAT IS APPROPRIATE TO THE PERSON'S LIVING ENVIRONMENT AND COMPARABLE TO A COMPREHENSIVELY ADMINISTERED VINELAND SCALES OF ADAPTIVE BEHAVIOR, AS REVISED OR CURRENT TO THE DATE OF ADMINISTRATION, AND ADMINISTERED AND CLINICALLY DETERMINED BY A PROFESSIONAL QUALIFIED TO ADMINISTER THE ASSESSMENT USED.

B-b. WHEN DETERMINING THE OVERALL ADAPTIVE BEHAVIOR SCORE, A MAXIMUM CONFIDENCE LEVEL OF NINETY PERCENT SHALL BE APPLIED TO THE OVERALL ADAPIVE BEHAVIOR SCORE TO DETERMINE IF THE INTERVAL RANGE INCLUDES A SCORE OF 70 OR LESS, AND SHALL BE INTERPRETED TO THE BENEFIT OF THE APPLICANT BEING DETERMINED ELIGIBLE FOR SERVICES.

D. A PERSON SHALL BE DETERMINED TO HAVE A DEVELOPMENTAL DISABILITY IF THE CRITERIA IN A THROUGH C ABOVE ARE MET, UNLESS IT CAN BE DEMONSTRATED THAT SUCH CONDITIONS ARE ATTRIBUTABLE TO ONLY A PHYSICAL OR SENSORY IMPAIRMENT OR MENTAL ILLNESS, THEN THE PERSON SHALL NOT BE DETERMINED ELIGIBLE.

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- E. IN ACCORDANCE WITH SECTION 27 10.5-102 (11) (A), CRS, THE FEDERAL DEFINITION OF "DEVELOPOMENTAL DISABILITY" FOUND IN 42 U.S.C. SEC. 15001, ET SEQ., SHALL NOT APPLY.
- ~~"Substantial intellectual deficits" means an intellectual quotient that is between 71 and 75 assuming a scale with a mean of 100 and a standard deviation of 15, as measured by an instrument which is standardized, appropriate to the nature of the person's disability, and administered by a qualified professional. The standard error of measurement of the instrument should be considered when determining the intellectual quotient equivalent.~~

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