Completing the Case Manager’s Guide to Determining ICF/DD Level of Care

Background Information

County agencies are responsible under Minnesota law to determine diagnostic and program eligibility for persons applying for social services or services funded through the Medical Assistance Program. For persons with developmental disability (DD) or related condition, determining diagnostic and program eligibility includes assessing need for the level of care provided in an intermediate care facility for persons with developmental disability (ICF/DD). The purpose of the Case Manager’s Guide to Determining ICF/DD Level of Care is to assist county case managers who are responsible for determining eligibility for ICF/DD services or DD waiver services by indicating areas that should be considered when conducting the assessment. The determination of need for ICF/DD level of care is to be based on a person’s assessment information and must be reviewed annually or when the assessment information and level of care determination appear to be inconsistent. County case managers are encouraged, but not required, to utilize this guide when assessing a person’s need for ICF/DD level of care. However, documentation must be available in the person’s individual file to support the county’s determination of ICF/DD level of care.

The Code of Federal Regulations (CFR) requires that a person eligible for ICF/DD services be in need of and receiving active treatment. Active treatment is a “continuous program, which includes aggressive and consistent implementation of a program of specialized and generic training, treatment health services and related services that is directed toward:

(1) Acquisition of the behaviors necessary for the person to function with as much self determination as possible; and
(2) Prevention or deceleration of regression or loss of current optimal status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.” (42CFR483.440).

Active treatment, in the above definition, refers to services needed by a person because of his or her developmental disability or related condition.

People who are found eligible for ICF/DD services are able to choose or have their legal guardian choose services through the DD waiver as an alternative to services in an ICF/DD. Because the eligibility criteria is the same for both programs, people who choose to receive DD waiver services must be determined to need active treatment. Federal regulations require that eligibility for either ICF/DD services or DD waiver services be reviewed annually.

Directions for completing the Guide

Answers to all four of the numbered questions on the guide must be “Yes.” If any one of the answers to a question is “NO,” discontinue the assessment.

Question 1: Review assessment information to verify that the person has been determined to have developmental disability or a related condition in accordance with the diagnostic requirements outlined in MN Rules 9525.0016, subpart 3. The definition of developmental disability is found in MN Rules 9525.0016, subpart 2, item B. The definition of related condition is found in MN Statutes, chapter 252.27, subd. 1a.

Question 2: Review assessment information to determine if the person is in need of a 24-hour plan of care. A 24-hour plan of care consists of formal or informal, direct or indirect supports provided on a routine or regular basis by family, neighbors, friends or staff who provide regular monitoring or assistance to the person. Need for a 24-hour plan of care does not necessarily mean that the person needs 24-hour direct supervision, but it does mean that there is a method in place for the person to access the support of others at any hour of the day or night should the need for support arise.

Active Treatment Assessment: Review assessment information to determine if the person has an inability
to engage in the behaviors listed on the Case Manager’s Guide to Determining ICF/DD Level of Care and check the box if an inability exists in that area. For each of the suggested areas, consider how a person of the same age as this person but without a disability would engage in the behavior and compare how this person engages in it. Ask if the person can 1) engage in the behavior independently or engage in the behavior independently after occasional reminders; 2) engage in the behavior only after a prompt or demonstration; or 3) engage in the behavior only after use of systematic instruction (e.g., task analysis of the steps, verbal, gestural, or physical guidance to assist the person to complete the steps, positive reinforcement for correct performance, frequent training opportunities, written implementation plans to assure consistency across instructors, settings, etc.).

A need for prompts, demonstration or systematic instruction may indicate that the person has an inability in one of the areas listed in items A-I on the Active Treatment Assessment.

**Question 3:** Use the information collected in the Active Treatment Assessment to determine whether the person needs active treatment.

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A “continuous program” is one that goes on without interruption. “Aggressive” means that there are energetic attempts made throughout the day to teach the person to engage in the behavior. “Consistent implementation” means that there is a written plan providing training opportunities so that everyone who provides instruction does it the same way. If the person is generally independent and is able to function with little supervision or without a program that includes frequent instructional opportunities that are implemented energetically and consistently throughout the day by trained persons, he or she is probably not in need of active treatment.

**Question 4:** Review assessment information to determine if the person is unable to apply skills learned in one environment to new environments without additional training or supervision. Ask if the person is able to generalize skills he or she acquired in instructional settings to real-world settings, and if the person is able to maintain behaviors after skill acquisition has occurred and the instructional program is no longer being implemented.

If the answers to all four numbered questions on the Guide are “yes,” the person can be considered to be in need of ICF/DD services or DD waiver services. After the county determines that an individual is in need of ICF/DD level of care, the screening document is completed and submitted to MMIS. The case manager’s signature on the screening document of someone identified as being at risk of ICF/dd placement means that an active treatment assessment has been completed and that documentation supporting the need for ICF/DD level of care is available in the person’s file.