

**MSDA**

MEDICAID | MEDICARE | CHIP  
SERVICES DENTAL ASSOCIATION

**Medicaid Oral Health Policy Academy for  
Adults with Intellectual and Developmental  
Disabilities (I/DD) TOOL KIT**

**PHASE 1**

**STEP 2**

**Defining the Population**

# Purpose of I/DD Adult Medicaid Policy Academy

- ✓ Increase knowledge and understanding of issues affecting adult Medicaid I/DD beneficiaries;
- ✓ Demonstrate how states may expand infrastructure and capacity to provide dental benefits to adults with I/DD.

# Agenda

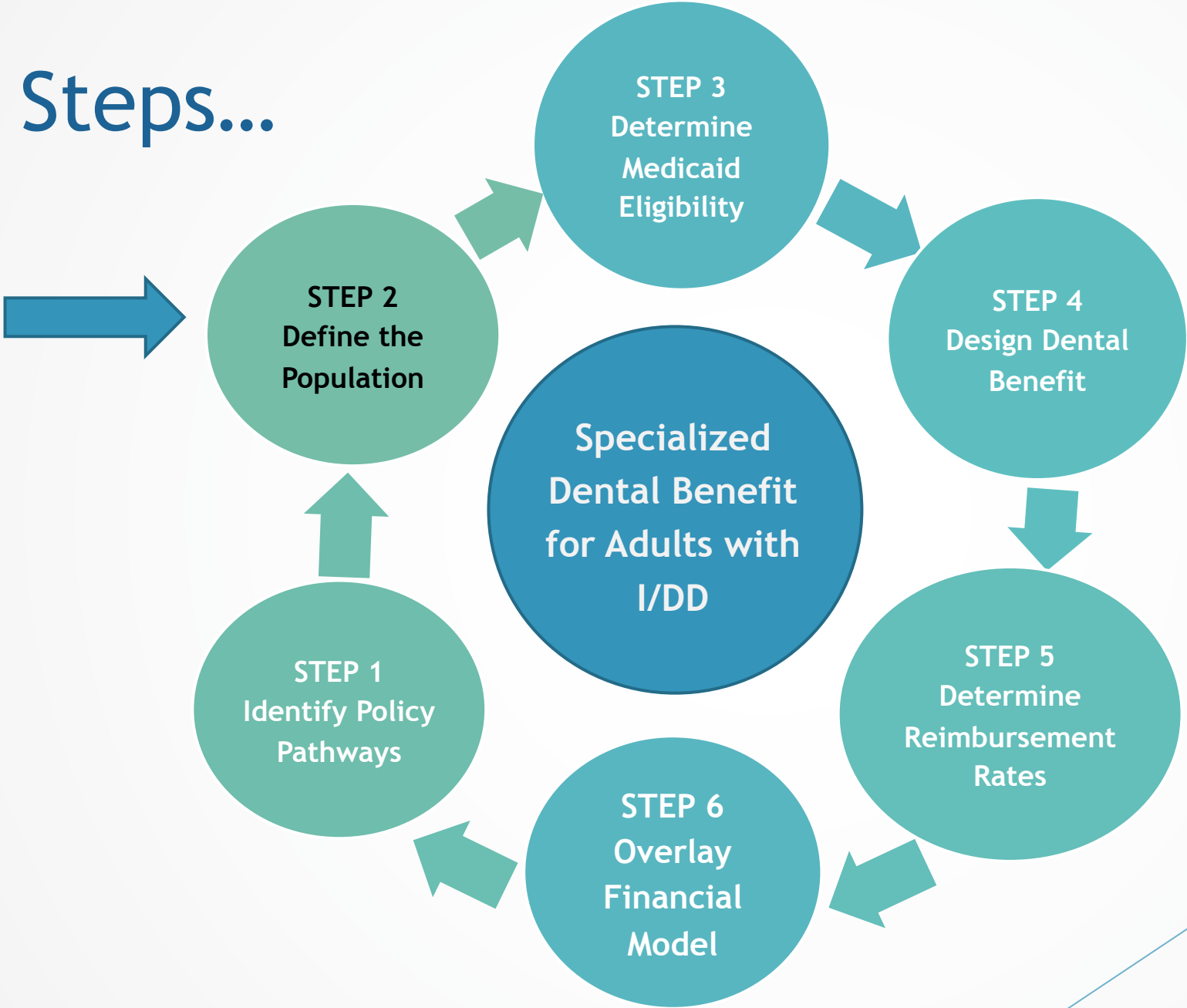
- Recap of Federal Authority
- High-level Review State Waiver Info.
- Defining the Population: Review I/DD Definitions
  - Federal
  - State Examples
- Next Steps

# The Policy Academy Faculty



Organization	Name	Email
UPENN School of Dentistry	Dean Mark Wolff	<a href="mailto:mswolff@upenn.edu">mswolff@upenn.edu</a>
American Academy of Developmental Medicine and Dentistry; Special Olympics	Dr. Steven Perlman	<a href="mailto:sperlman@bu.edu">sperlman@bu.edu</a>
Project Accessible Oral Health (PAOH)	Ms. Barbie Vartanian	<a href="mailto:barbiev@upenn.edu">barbiev@upenn.edu</a>
Delta Dental Foundation [MI OH NC IN]	Ms. Holli Seabury	<a href="mailto:hseabury@deltadentalmi.com">hseabury@deltadentalmi.com</a>
Delta Dental Foundation [MI OH NC IN]	Ms. Jen Anderson	<a href="mailto:jmanderson@deltadentalmi.com">jmanderson@deltadentalmi.com</a>
Delta Dental of Arkansas	Mr. Jimmy Anthony	<a href="mailto:janthony@deltadentalar.com">janthony@deltadentalar.com</a>
Medicaid   Medicare   CHIP Services Dental Association	Ms. Marty Dellapenna	<a href="mailto:mdellapenna@medicaiddental.org">mdellapenna@medicaiddental.org</a>
Medicaid   Medicare   CHIP Services Dental Association	Ms. Mary Foley	<a href="mailto:mfoley@medicaiddental.org">mfoley@medicaiddental.org</a>

# The Steps...



# Objectives

- ▶ 1. Gain a deeper knowledge of Medicaid State Plans and Federal Waivers
- ▶ 2. Understand the definitions of the terms:
  - Intellectual Disability
  - Developmental Disability

**Charge:** Explore problems associated with limited access to dental care for adults with I/DD and identify policy solutions.

**Problem #1**

Limited policy/benefits to support dental care service delivery for individuals with I/DD

**Problem #2**

Limited dental provider availability

**Problem #3**

Limited Financing to support essential oral healthcare

# Policy Academy Year 1

## Problem #1

Limited policy to support dental care for individuals with I/DD

### Proposed Solution #1:

Identify and detail *Policy Pathways* to advance service delivery for adults with I/DD

## Problem #2

Limited dental provider availability

### Proposed Solution #2:

Expand dental provider networks serving adults with I/DD through advanced education and training





# **RECAP: Identifying State Policy Pathways**

# What is a Federal Authority?

The power of a central government agency or its administrators to carry out the terms of the law creating the agency as well as **to administer and implement regulations, laws and government policies.**

*For example: Congress delegates federal authority to agencies through legislation.*

# Section 1902 of the Federal Medicaid Law

## ▶ Statewideness:

- Requires states to implement services across the whole state
- Includes eligibility

## ▶ Comparability of Services:

- Requires states to provide all members with same benefits
- Program design

## ▶ Freedom of Choice:

- Requires states to allow members a choice of provider

# Understanding Federal Authorities

## Managed Care Authorities

1932 State Plan

1915 (a)

1915 (b) Waivers

(b) (1)

(b) (2)

(b) (3)

(b) (4)

1115 Demonstration

## Home & Community Based Service Authorities

1915 (a)

1915 (c)

1915 (i)

1915 (j)

1915 (k)

# State Definitions of Intellectual and Developmental Disability

Medicaid Services for People  
with Intellectual or  
Developmental Disabilities -  
Evolution of  
Addressing Service Needs  
and Preferences

REPORT TO  
THE MEDICAID AND CHIP  
PAYMENT AND ACCESS  
COMMISSION  
BY  
SARAH BARTH  
SHARON LEWIS  
TAYLOR SIMMONS

OCTOBER 2020

## Definitions Related to People with ID/DD

Although the terms intellectual disabilities (ID) and developmental disabilities (DD) are often used together – ID/DD – to describe people with varying conditions and functional limitations, they have different definitions.

### Text Box 2: Definitions of Intellectual Disability and Developmental Disability

**Developmental disability** is defined by the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) as a severe, chronic disability of an individual that is:

- ✓ Attributable to a mental or physical impairment or combination of mental and physical impairments
- ✓ Manifested before the age of 22
- ✓ Likely to continue indefinitely
- ✓ Results in substantial functional limitations in 3 or more or more of the following areas of major life activity:
  - Self-care
  - Receptive and expressive language
  - Learning
  - Mobility
  - Self-direction
  - Capacity for independent living
  - Economic self-sufficiency
- ✓ Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated<sup>i</sup>

**Intellectual disability** is defined by the American Association on Intellectual and Developmental Disabilities (AAIDD) as:

- ✓ A disability characterized by significant limitations in both intellectual functioning and in adaptive behavior, which covers many everyday social and practical skills; and
- ✓ Condition originates before the age of 18<sup>ii</sup>

i. Definitions, 42 U.S.C. § 15002(8) (2002).

ii. Robert L. Schalock et al., "Definition of Intellectual Disability," in *Intellectual Disability: Definition, Classification, and Systems of Supports*, 11<sup>th</sup> Edition (American Association on Intellectual and Developmental Disabilities, 2010).

# ID/DD - As Defined by Federal Government

- ▶ As an eligibility category—

People under age 65 who qualify for Medicaid on the basis of a disability include adults and children with disabilities that they have had since birth and others who have disabling conditions acquired through illness, injury, or trauma.

**Note:** Definitions differ across states. These variations result in differing eligibility standards for Medicaid and state funded ID/DD programs across states.

# Arkansas Definition of Intellectual and Developmental Disabilities

Arkansas Developmental Disability definition (law):

"Developmental disability" means a disability of a person which:

- (i) Is attributable to mental retardation, cerebral palsy, epilepsy, or autism;
- (ii) Is attributable to any other condition of a person found to be closely related to mental retardation because it results in impairment of general intellectual functioning or adaptive behavior similar to those of mentally retarded persons or requires treatment and services similar to those required for the persons;
- (iii) Is attributable to dyslexia resulting from mental retardation, cerebral palsy, epilepsy, or autism; and
- (iv) Has continued or can be expected to continue indefinitely.



# Indiana Definition of Intellectual and Developmental Disabilities

## **Indiana Medicaid [IC 12-7-2-61] Developmental Disability Sec. 61**

(a) Except as provided in subsection (b), "developmental disability" means a severe, chronic disability of an individual that meets all of the following conditions: (1) Is attributable to: (A) intellectual disability, cerebral palsy, epilepsy, or autism; or (B) any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability. (2) Is manifested before the individual is twenty-two (22) years of age. (3) Is likely to continue indefinitely. (4) Results in substantial functional limitations in at least three (3) of the following areas of major life activities: (A) Self-care. (B) Understanding and use of language. (C) Learning. (D) Mobility. (E) Self-direction. (F) Capacity for independent living. (G) Economic self-sufficiency. (b) The definition in subsection (a) does not apply and may not affect services provided to an individual receiving: Indiana Code 2015 (1) home and community based Medicaid waiver; or (2) ICF/MR; services through the division on June 30, 2011. As added by P.L.2-1992, SEC.1. Amended by P.L.23-1993, SEC.37; P.L.229-2011, SEC.107.

# Michigan Definition of Intellectual and Developmental Disabilities

## Defining Developmental Disabilities

A developmental disability, as defined by state and federal law, is a severe, chronic disability:

attributable to a mental or physical impairment, or a combination of such impairments;

manifested before the person is age 22;

likely to continue indefinitely;

and resulting in substantial functional limitations in three or more of these major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.

# New Hampshire Definition of Intellectual and Developmental Disabilities

2016 New Hampshire Revised Statutes

Title XII - PUBLIC SAFETY AND WELFARE

Chapter 171-A - SERVICES FOR THE DEVELOPMENTALLY DISABLED

Section 171-A:2 - Definitions.

“Developmental disability” means a disability:

(a) Which is attributable to an intellectual disability, cerebral palsy, epilepsy, autism, or a specific learning disability, or any other condition of an individual found to be closely related to an intellectual disability as it refers to general intellectual functioning or impairment in adaptive behavior or requires treatment similar to that required for persons with an intellectual disability; and

(b) Which originates before such individual attains age 22, has continued or can be expected to continue indefinitely, and constitutes a severe disability to such individual's ability to function normally in society.

“Intellectual disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. A person with an intellectual disability may be considered mentally ill provided that no person with an intellectual disability shall be considered mentally ill solely by virtue of his or her intellectual disability.

# North Carolina Definition of Intellectual and Developmental Disabilities

A developmental disability:

Is chronic

Begins at birth or during childhood

Adversely affects an individual's daily living and functioning

Developmental disabilities can be caused by a mental impairment, a physical impairment or combination of both mental and physical. This can result in limited functions, including:

- Caring for oneself

- Difficulties with communication

- Difficulties with learning

- Difficulties with mobility or moving around

- Difficulties making decisions for oneself

- Difficulties living independently

- Being financially self-sufficient

# Ohio Definition of Intellectual and Developmental Disabilities

## 5123.01 of the Ohio Revised Code- Definition of Intellectual Disability

"Intellectual disability" means a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

## Ohio Administrative Code rule 5123-8-01 - Definition of Developmental Disabilities Level of Care

"Developmental disabilities level of care" means the level of care required for admission to an ICFIID or enrollment in home and community-based services. A determination by the department that an individual meets the criteria for a developmental disabilities level of care shall be valid for up to twelve months unless the individual has experienced a significant change of condition.

# Ohio County Boards Definition of Intellectual and Developmental Disabilities

(5) "Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(a) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;

(b) It is manifested before age twenty-two;

(c) It is likely to continue indefinitely;

(d) It results in one of the following:

(i) In the case of a person birth through age two, at least one developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay;

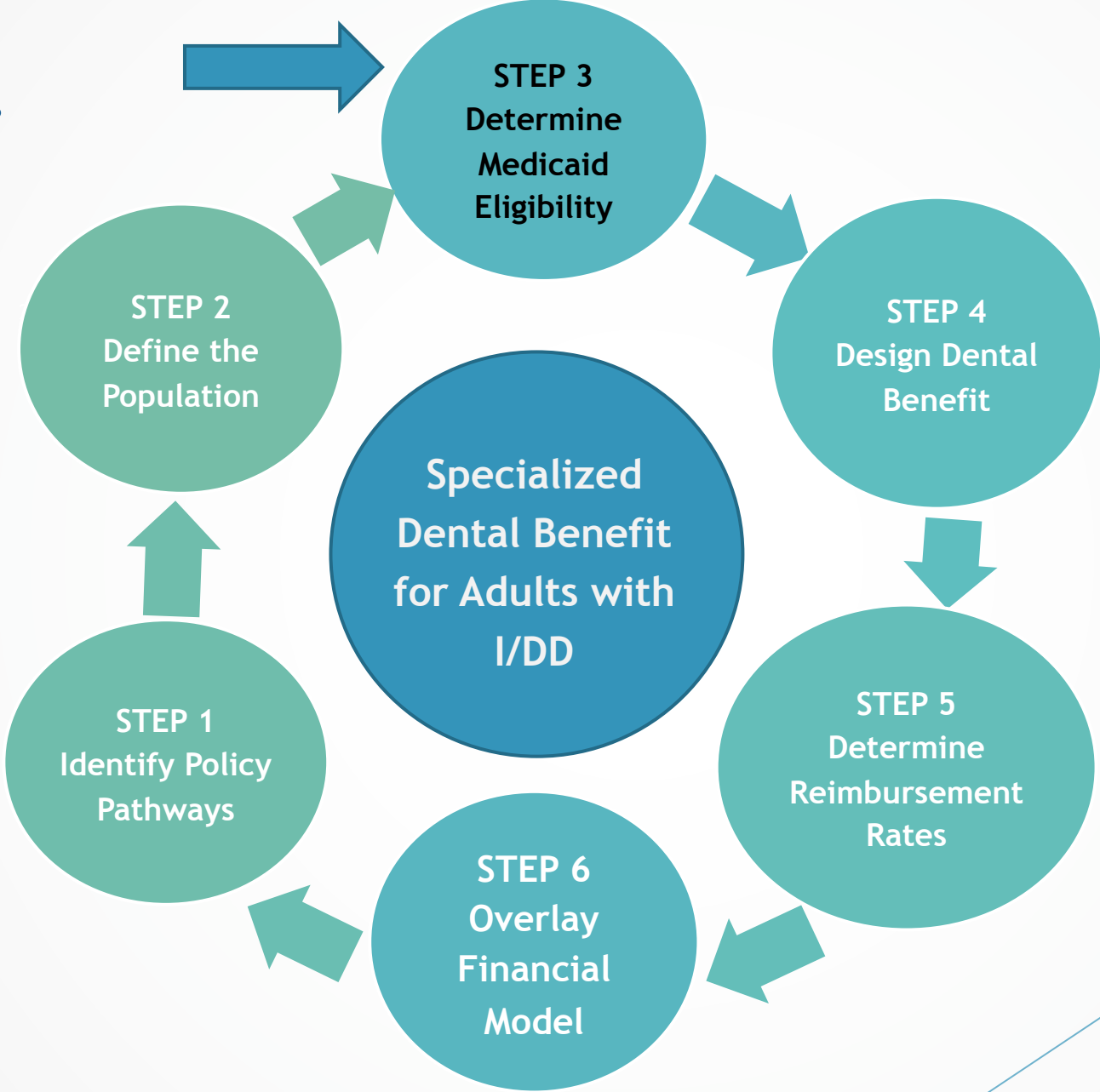
(ii) In the case of a person age three through age five, at least two developmental delays; or

(iii) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his or her age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is age sixteen or older, capacity for economic self-sufficiency; and

(e) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person



# The Steps...





# Contact Information

**Mary E. Foley, RDH, MPH**

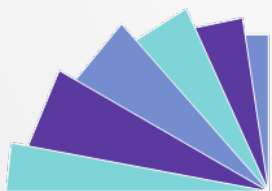
[Mfoley@medicaiddental.org](mailto:Mfoley@medicaiddental.org)

508.322.0557

**Marty Dellapenna, RDH, MEd**

[Mdellapenna@medicaiddental.org](mailto:Mdellapenna@medicaiddental.org)

401.575.8110



**MSDA**

MEDICAID | MEDICARE | CHIP  
SERVICES DENTAL ASSOCIATION