



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: DETERMINING “OTHER CONDITION” POLICY 11.04
SIMILAR TO MENTAL RETARDATION

Authority: Chapter 71A.10.020 RCW *Developmental Disabilities*

Reference: WAC 388-823-0700 *How do I meet the definition for “other condition” similar to mental retardation?*

BACKGROUND

WAC 388-823-0700 states that for a diagnosed condition to be considered for the category of “other condition” similar to mental retardation, the condition must, by definition, result in both intellectual and adaptive skills deficits. The common interpretation of the phrase “by definition” by both the Division of Developmental Disabilities (DDD) and the courts has been that the diagnosed condition must, in every case, result in intellectual and adaptive skills deficits.

Since it is difficult to predict that all cases of any condition will result in intellectual and adaptive skill deficits, DDD finds it necessary to develop a protocol for reviewing diagnosed conditions to determine their inclusion in the category of “other condition similar to mental retardation.”

PURPOSE

To provide written clarification to Intake and Eligibility (I/E) workers in DDD Field Services regarding which conditions may be considered for eligibility.

SCOPE

This policy applies to all DDD employees in division headquarters and Field Services.

POLICY

- A. When an applicant submits documentation for consideration for DDD eligibility under the category of “other condition similar to mental retardation,” the applicant’s diagnosed

condition shall be reviewed by a centralized committee to determine whether the condition meets the requirements outlined in WAC 388-823-0700.

- B. The Division Director shall establish a committee, to be referred to as the Other Condition Determination Committee (OCDC), which will be charged with evaluating "other conditions" against the WAC requirements and making a determination as to their acceptability or unacceptability.
- C. The DDD Intake and Eligibility (I/E) Program Manager will maintain a list of all acceptable and unacceptable conditions on the DDD I/E SharePoint website.

PROCEDURES

A. Regional Intake and Eligibility Staff Responsibilities

When application for eligibility determination is received under the category of "other condition similar to mental retardation," I/E staff will follow these steps:

1. Refer to the list of "acceptable" and "unacceptable" conditions on the DDD I/E SharePoint website to see if the condition has been previously reviewed.
2. If the condition has not been previously reviewed, research the condition using the following resources:
 - a. Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR);
 - b. Medline Plus (www.nlm.nih.gov/medlineplus/);
 - c. Dorland's Medical Dictionary (www.mercksource.com/pp/us/cns/cns_hl_dorlands_split.jsp?pg=/ppdocs/us/common/dorlands/dorland/misc/dmd-a-b-000.htm);
 - d. Genetics Home Reference (<http://ghr.nlm.nih.gov/ghr/page/Home>); and
 - e. Taber's Medical Dictionary;
 - f. Other resources may be identified and will be posted on the I/E SharePoint site.
3. Consult with your supervisor or his/her designee regarding the results of your research on the condition.
4. The I/E Supervisor will refer the condition to OCDC via the Discussion Board on the I/E SharePoint site. Submit the information on the OCDC Submission Form

(available on the I/E SharePoint site; see sample in Attachment A) and attach it to the Discussion Board entry. The following information is required:

- a. Name of the condition (common and technical, if available);
 - b. Resources used in researching the disorder (include the exact URL for each webpage used as a hyperlink in the document);
 - c. Citations (including source) that suggest the condition is acceptable or not;
 - d. Name, region, and signature of the I/E staff submitting the research;
 - e. Name, region and signature of the referring supervisor; and
 - f. Date submitted.
5. All members of the OCDC will set an alert for the Discussion Board on the I/E SharePoint site so that they are notified immediately when a request is posted.
 6. The OCDC will make its determination as quickly as possible. The Committee will notify the requestor if the research cannot be completed within ten (10) working days from receipt of the request and provide a date by which the determination will be made.
 7. The OCDC lead will:
 - a. Track the time and prompt members as needed;
 - b. Update the Discussion Board status as "Resolved" and "Accept/Reject";
 - c. Update the lists; and
 - d. Respond to the submitting supervisor.
 8. A I/E staff may submit additional information identified after the initial submission for the OCDC to use in updating its decision (follow these same steps in the process).
 9. The OCDC's decision is final after reconsideration.
 10. In the event a previously rejected condition is appealed by an applicant and the appeal result is favorable to the applicant, the OCDC will review the court decision and determine whether changes should be made in the Accept/Reject lists. All updates will be published on the I/E SharePoint site.

B. Other Condition Determination Committee (OCDC) Membership

1. The committee will be comprised of a revolving membership of:
 - a. One DDD psychologist (with a substitute);
 - b. One Administrative Hearings (AH) worker;
 - c. Two I/E supervisors;
 - d. One I/E staff; and
 - e. One Quality Control and Compliance (QCC) I/E lead.
2. The Central Office I/E Program Manager will manage the membership as follows:
 - a. Participants will rotate on a staggered basis to ensure group cohesion;
 - b. Tenure on the committee will be six (6) months, with flexibility for the initial phasing in of new members or unforeseen difficulties for individual members;
 - c. Regional participants will rotate so there is representation from several regions at any one time;
 - d. The I/E worker will be selected by the regional I/E supervisor; and
 - e. One member will be designated as the lead, rotated with each new condition submitted.
3. Decisions will be made by a consensus of members that includes the psychologist and any three (3) other members, at a minimum.

C. OCDC Review Process

1. Verify that the condition has not already been reviewed by checking the lists on the I/E SharePoint site.
2. Research the condition using the resources identified in Section A.2 above.
3. The committee must use the following criteria in making its determination:
 - a. Clear definition of the condition and etiology (cause/origin);

- b. Diagnostic criteria (which rule out *NOS (Not Otherwise Specified)*);
 - c. Not an experimental diagnosis;
 - d. The definition must say that it is a chromosomal/genetic or neurological disorder;
 - e. The definition/description must make clear reference to the probability of intellectual/cognitive impairment. Look for words like:
 - "Causes;"
 - "Typically;"
 - "Characteristic;" and
 - "In most cases."
 - f. The definition/description must make clear reference to the probability of adaptive skills deficits such as:
 - Communication/speech/motor;
 - Self-care/daily living;
 - Social/interpersonal skills; and
 - Functional academic skills.
4. Document the resources used and basic findings.
 5. Committee discussion must result in a consensus opinion.
 6. The OCDC lead will enter the condition on the appropriate list (Accept/Reject).
 7. The I/E Program Manager will maintain the list of reviewed conditions on the I/E SharePoint site, along with the submission forms and committee discussions.

EXCEPTIONS

No exceptions to this policy are allowed without the prior written approval of the Division Director.

SUPERSESSION

None

TITLE:

DETERMINING "OTHER CONDITION"
SIMILAR TO MENTAL RETARDATION

POLICY 11.04

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: June 15, 2010

Attachment A - *Other Condition Determination Committee Submission Form*

ATTACHMENT A

DIVISION OF DEVELOPMENTAL DISABILITIES Other Condition Determination Committee Submission Form

CATEGORY	CONDITION
Common name(s)	
Technical name(s)	
Neurological/CNS	<input type="checkbox"/>
Chromosomal/Genetic	<input type="checkbox"/>

Do you believe this is an acceptable condition per WAC 388-823-0700?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
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Citation:	Source of citation (including web address if applicable):

SIGNATURES			
SIGNATURE	DATE SUBMITTED	PRINTED NAME	REGION
INTAKE & ELIGIBILITY WORKER			
SUPERVISOR			

FOR USE BY OCDC ONLY			
ACCEPTED: <input type="checkbox"/>	REJECTED: <input type="checkbox"/>	PRINT COMMITTEE LEAD NAME	DECISION DATE