

Disability Rights Maryland (DRM), a non-profit corporation, is the Protection and Advocacy system to advocate for the rights of individuals with disabilities in the State of Maryland. DRM is funded by grants from the United States government, contracts with the State of Maryland, and grants from the Maryland Legal Services Corporation. By federal law, we are required to be independent of the State and to exercise independent judgment on your behalf in advocating and protecting your rights.

Maryland Developmental Disabilities Administration (DDA) Eligibility Denials

Disability Rights Maryland (DRM) has advised hundreds of people who have been denied eligibility for DDA services. Many clients have been successful in persuading DDA that they are eligible, usually by providing DDA with stronger information about their disability. Keep in mind that even if you are found eligible, DDA has limited funding. DDA services are provided according to urgency of need and other factors.

You are eligible for DDA services if you have a developmental disability as defined by Maryland law. The full law is printed at the end of this fact sheet.

If the applicant is eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), request the medical information from the Social Security Administration (SSA). In many cases, but especially for older adults who may lack other documentation, the SSA determination can be persuasive to DDA that the applicant has a developmental disability.

From our experience in representing clients who are denied DDA eligibility we also have the following recommendations for frequently-seen issues:

Issue	DRM recommendation
Applicant has Autism Spectrum Disorder, brain injury, or other cognitive impairment, scores high in IQ testing, but cannot live independently without support.	Obtain a complete neuropsychological assessment, including testing for “adaptive functioning,” (independent living abilities) from a qualified neuropsychologist. Make sure the professional has DRM’s Eligibility Clinical Guidance. Provide the assessment report to DDA with the application.
Applicant has a co-occurring psychiatric disability	See above. Also, the assessment report must include a diagnosis of developmental disability and clearly tie problems with adaptive functioning to the developmental disability. Do not provide DDA with only information about psychiatric disability.
Applicant is very young, i.e. under 5 years old	Provide DDA with professional documentation of the child’s developmental disability, the child’s resulting support needs and the parent/caregiver’s inability to meet the needs of the child. The parent/caregiver should also write a letter describing the child’s daily support needs and other demands on the parent such as work and other children.

Applicant is 18-21 years old	It is critical that youth apply and be found eligible for DDA services BEFORE their 22 nd birthday. DDA's Transitioning Youth initiative provides youth with the opportunity to enroll in DDA services either between the person's 21 st and 22 nd birthday or, if their date of graduation is after their 21 st birthday, then 1 year after their date of graduation. This initiative gives youth the opportunity to bypass the waitlist for DDA services, so it is critical that youth apply and be found eligible for services before their 22 nd birthday.
Applicant has a solely physical disability	Obtain a professional assessment of the applicant's developmental disability, adaptive functioning and support needs. Give the professional DRM's Eligibility Clinical Guidance.
Applicant is an older adult with Intellectual Disability but no professional assessments from under age 18 that document Intellectual Disability.	See above on Social Security records. Find witnesses and records to describe the applicant's abilities prior to the age of 18. Connect witnesses and records with a psychologist who can assess whether the person can be diagnosed with Intellectual Disability. Be sure to give the professional DRM's Eligibility Clinical Guidance. Find witnesses who can describe the applicant's supports from youth until now. Obtain statements from witnesses to accompany the DDA application.

DDA Action	DRM recommendation
DDA denied eligibility and gave you 90 days to file an appeal	You may file an appeal or send new documentation to DDA and ask DDA to reconsider its decision. If you send new information, DDA will give you a new decision and if you are denied again, you will have the right to appeal. You can call the DDA Regional Office and ask for your complete DDA file, but do not wait until the end of the 90 days. Seeing your file may help you understand how DDA made its decision and help you decide what to do next.
DDA denied eligibility but you believe you need to obtain and send DDA another professional assessment and/or documentation of the disability.	See above.
DDA denied eligibility but you believe DDA was incorrect.	See above.
DDA denied eligibility and you are past the time for filing an appeal.	See above, but since you cannot appeal, you may send additional information and asking DDA to reconsider its decision.

<p>DDA denied eligibility, you have no additional information to provide and you believe DDA;s decision is incorrect.</p>	<p>Appeal the denial. Obtain an attorney, if possible. Contact DRM for a list of attorneys who are experienced in DDA eligibility denial hearings and ask your local lawyer referral service for qualified attorneys. If you cannot afford an attorney, you can contact the Maryland Volunteer Legal Services or DRM to ask if there is an attorney who will take the case without charge. If you will represent yourself, see the following, which is useful but was not written specifically for DDA eligibility hearings: https://disabilityrightsmd.org/wp-content/uploads/2018/10/How-to-Request-and-Prepare-for-a-Medicaid-Service-Appeal-Oct-2018.pdf</p>
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If you need more specific advice, you can call DRM at 410-727-6352, and we may be able to assist.

Developmental Disability, as defined in Md. Code, Health General Art. § 7-101:

- (f) "Developmental disability" means a severe, chronic disability of an individual that:
- (1) Is attributable to a physical or mental impairment other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;
 - (2) Is manifested before the individual becomes 22 years old;
 - (3) Is likely to continue indefinitely;
 - (4) Results in an inability to live independently without external support or continuing and regular assistance; and
 - (5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.
- (g) External support.- "External support" means:
- (1) Periodic monitoring of the circumstances of an individual with respect to:
 - (i) Personal management;
 - (ii) Household management; and
 - (iii) The use of community resources; and
 - (2) Rendering appropriate advice or assistance that may be needed.
- (l) Live independently.- "Live independently" means:
- (1) For adults:
 - (i) Managing personal care, such as clothing and medication;
 - (ii) Managing a household, such as menu planning, food preparation and shopping, essential care of the premises, and budgeting; and
 - (iii) Using community resources, such as commercial establishments, transportation, and services of public agencies; or
 - (2) For minors, functioning in normal settings without the need for supervision or assistance other than supervision or assistance that is age appropriate.