*Executive Office of Health and Human Services*

*Department of Developmental Services*

**POLICY TITLE: Case Status Policy**

**DDS POLICY #: 2003-1**

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**COMMISSIONER’S SIGNATURE: Elin M. Howe, Commissioner**

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At the core of the mission of the Department of Mental Retardation (DMR) is the concept of creating opportunities for individuals with mental retardation to participate fully and meaningfully in, and contribute to, their communities as valued members. A foundation of this concept is the expressed respect of the decisions that individuals and their families make about the extent of their participation in a program of DMR supports. The Department also recognizes that there are instances where an individual no longer needs supports from DMR. When an individual chooses not to participate in a program of supports or when an individual no longer needs supports from DMR, the Department will consider these circumstances and reflect them accurately in its records and management information systems.

**A. When the individual, guardian, or family refuses all supports.**

Eligible individuals, their guardians, and when appropriate, their families, may refuse all supports offered by the Department. If the Area Risk Management Team recommends acceptance of the refusal of services and the recommendation is approved consistent with the "Procedure for Designating Case Status," the individual's status designation will be changed to "inactive." A letter accepting the refusal will be sent to the individual/family with notice that if at any time within three years of the date of the letter the individual wishes to initiate support planning, (1) efforts by DMR to do so will be made, and (2) the individual will be returned to "active" status. If the individual's status remains "inactive" for three years from the written "inactive" status notification date, the case will be designated as "closed." If the individual seeks DMR support after the case is closed, the individual must complete a new application for eligibility to the Department. Any request to initiate supports requires a new eligibility application to the Department and a new determination of eligibility.

"Inactive" status will not be applied to individuals who refuse all supports but have special eligibility as defined in 115 CMR 6.05.

**B. When an individual relocates out of state without DMR supports.**

When an eligible individual relocates out of state and is not receiving DMR supports, the individual's status designation will be immediately changed to "inactive." Notice will be sent to the individual that if at any time within three years of the date of the letter, the individual resumes Massachusetts residency and wishes to initiate support planning, (1) efforts by DMR to do so will be made, to the extent that supports and resources are available, and (2) the individual will be returned to "active" status. If the individual's status remains "inactive" for three years from the written "inactive" status notification date, the case will be designated as "closed." If the individual seeks DMR support after the case is closed, the individual must complete a new application for eligibility to the Department. Any request to initiate supports requires a new eligibility application to the Department and a new determination of eligibility.

**C. When an individual is determined to no longer need DMR supports.**

When an individual is determined, through the ISP process, to no longer need supports nor annual contact from DMR, the individual's status designation will be immediately changed to "inactive." Notice will be sent to the individual that if within three years of the date of the letter, the individual is re-determined to need DMR supports or annual contact, the individual will be returned to "active" status. If the individual's status remains "inactive" for three years from the written "inactive" status notification date, the case will be designated as "closed." If the individual seeks DMR supports after the case is closed, the individual must complete a new application for eligibility to the Department. Any request to initiate supports requires a new eligibility application to the Department and a new determination of eligibility.

Efforts to inform the individual/guardian of the supports being offered and why it would be in the person's best interest to receive them must be documented in the individual's case file. Consult the "Procedure for Designating Case Status" for further guidance. Other requirements may apply to individuals who have special eligibility status. In such cases DMR legal counsel must be consulted prior to applying a status of "inactive" to the individual.