



Disability Law Center's Self-Advocacy Materials

Updated November 2017

DDS Services

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

617-723-8455
800-872-9992
mail@dlc-ma.org

Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding/>

Services And Supports For Adults And The Prioritization Process Through The Department Of Developmental Services (DDS)

You Will Learn About:

- Services and Supports Offered By DDS
- Priority Levels
- Appealing Assigned Priority Level

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

Services And Supports Offered By DDS

The Department of Developmental Services (DDS) is the state agency in Massachusetts that serves people who have an intellectual or developmental disability. DDS serves both children and adults. This Q&A focuses on adults who meet the DDS eligibility criteria. DDS provides services and supports and also contracts with state and private vendors to provide services and supports. It is important to understand the process for getting the services and supports you need.

What Types Of Services And Supports Does DDS Offer?

DDS offers a variety of services and supports to adults. Below are some of the most common.

DDS offers **employment supports** to help people get competitive, integrated employment. This could also include a job coach. **Community-based day supports** are another option. This support may include exploring career options, volunteering, and spending time in the local community. It can also include helping people pursue hobbies and improve skills such as independent living skills, activities of daily living and social skills.

DDS offers supports for people to help them live on their own. These supports are called **individual supports**. Individual supports can include help with managing money, scheduling and coordinating health care appointments and other supports. Independent supports are limited to a certain number of hours per week based on the person's needs. DDS also offers **family supports**. Family supports can include a variety of supports that help the individual within the family home.

DDS offers residential supports such as **shared living** and **group homes/community residences** with 24/7 staffing. Presently, residential supports are an option only for people who meet the DDS Intellectual Disability standard. DDS may make an exception in extraordinary circumstances.

DDS offers **self-direct supports**. This is often the most flexible option but can require quite a bit of coordination. It allows people to direct their own services. DDS provides an individual budget to a person. The amount is based on the person's needs. The person and/or guardian, if needed, decide how to spend the money in the individual budget. This can include finding, hiring and managing staff.

DDS also refers some people to **MassHealth (Medicaid) State Plan Services**. These services include **day habilitation programs, adult foster/family care, and personal care attendant services**. MassHealth pays for State Plan Services, not DDS. There are times that DDS may provide individual funding to supplement State Plan Services day habilitation services. The supplemental funding is given to people who require a level of assistance beyond what is typically provided at a day habilitation program with typical staffing levels.

For more information about these services and supports, contact your DDS Service Coordinator or your DDS Area Office.

Will I Get All The Services And Supports That I Request?

Maybe. But maybe not. DDS services are not an entitlement. DDS services and supports depend upon the availability of resources. This means that, **even if you are eligible for DDS, you are not guaranteed to get the services and supports you ask for.** The state government gives DDS a certain amount of money each year to provide and pay for services and supports. Over 30,000 people

are eligible for DDS services and supports. DDS does not have enough money to give all 30,000+ people all the services and supports that each person requests.

DDS goes through a process to figure out what services and supports it may be able to provide you. This process is called **prioritization**. The process includes assessments of your level of need for the services you requested. The primary assessment tool is called the **MASSCAP**.

Priority Levels

What Is The MASSCAP?

If you request services from DDS, DDS has to go through the process of determining the services you need and how urgently you need those services. DDS bases its decision on the severity of your need. This is how DDS **prioritizes** who will receive what services and supports. For example, not every person who feels they need residential services will get residential services from DDS. To assess your service needs, DDS uses the Massachusetts Comprehensive Assessment Profile, or **MASSCAP**.

The MASSCAP process has three (3) parts: the Inventory of Client and Agency Planning (ICAP), the Consumer and Caregiver Assessment (CCA) and the reviewer's professional judgment.

The **ICAP** assesses functional limitations and skills. In other words, it assesses needs and abilities. It also assesses the level of support and supervision needed in various areas. The ICAP assessment produces a score anywhere from 0 to 100. A lower score reflects a greater level of functional challenges. The **CCA** assesses the supports and resources in place that help someone. The CCA also looks at the capabilities of caregivers. If DDS feels it is necessary, DDS can arrange for other assessments or observations to be done in addition to the ICAP and CCA.

DDS reviews the results of the ICAP, CCA and any other assessments or observations completed as part of this process. DDS staff uses their **professional judgment** and then makes a final determination. This determination results in the assignment of a **priority level** for each requested services and supports.

What Are The Priority Levels?

DDS assigns a priority level for each service or support you requested. For example, if you requested a group home/community residence placement and employment supports, DDS assigns a priority level for the requested residential service and a separate priority level for the requested employment supports.

- **First Priority/Priority One:** This means that the service or support requested is necessary for health or safety reasons. The service or support is needed to protect 1) your health or safety or 2) the health or safety of others. DDS should arrange for the needed service within 90 days.
- **Second Priority/Priority Two:** This means that the service or support requested is necessary to meet one or more of your needs. The needs referenced here are your needs identified through the MASSCAP process.
- **No Priority Assigned:** This means that DDS has determined that you do not qualify for the requested service. In other words, the MASSCAP process did not show a need for the requested service. Also, DDS will not assign a priority if you request a service but do not want the service for another two years or more.

Keep in mind that DDS only assigns a priority when you request a service. You have to be clear about the specific service you are requesting.

Your assigned **priority level can change**. If there is a change in your functioning, that could change your priority to level. Also, if there are changes in the abilities of caregivers you may have (including advancing in age) that could change your priority level. If you feel there has been a big change in your circumstances and that your priority level should change, contact your DDS Service Coordinator or the Area Office Director.

Appealing Assigned Priority Level

Can I Appeal My Assigned Priority Level?

Yes. You can appeal the DDS decision about your assignment of priority for services. After DDS makes its decision about your priority level, DDS sends you a letter telling you. When DDS sends this letter, DDS also sends information about how to appeal. You must file the appeal within 30 days of receiving this priority assignment letter. There is more information about **appeals** in the “Department of Developmental Services (DDS) Appeals” document on DLC’s website.