

FINAL DECISION

Sent via email [REDACTED], Certified-Mail [REDACTED], and First-Class U.S. Mail

January 16, 2025

RE: Final Decision


Dear [REDACTED]

On January 2, 2025, the proposed decision of the hearing officer regarding the eligibility of [REDACTED] to receive services of the Department of Developmental Services was sent to you and all parties. Parties had ten (10) business days from receipt of the proposed decision to submit comments in support or opposition. Comments were submitted on behalf of the petitioner. No comments were submitted on behalf of the DDS.

After reviewing the proposed decision, the record, including exhibits submitted at the hearing, and your comments, **I agree** with the hearing officer, adopt the Proposed Decision as the Final Decision, and find that [REDACTED] **is ineligible** for services of the Department of Developmental Services pursuant to Connecticut General Statute section 1-1g.

If you do not agree with this decision, you have the right, in accordance with Section 4-183 of the Connecticut General Statutes, to appeal to the Superior Court. Such an appeal must be submitted within forty-five (45) days of the mailing of this final decision.

Sincerely yours,


Jordan A. Scheff
Commissioner

Enclosures

cc: Attorney Frank Forgione, Hearing Officer
Kathleen Murphy, Ph.D., Director, Eligibility Unit
Margret Rudin, Ph.D., Psychologist Eligibility Unit
Marjorie O. Wakeman, Director, Legal & Government Affairs

STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES
PROPOSED MEMORANDUM OF DECISION

ELIGIBILITY HEARING

IN RE: [REDACTED]

DECEMBER 18, 2024

Introduction:

A remote hearing via Microsoft Teams was held on December 11, 2024 to determine the eligibility of the Petitioner, [REDACTED], for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes, Section 1-1g.

The following individuals were present at the hearing:

Dr. Kathleen Murphy
[REDACTED]

DDS Psychologist/Director of Eligibility Unit
Conservator/Attorney-In-Fact

The following exhibits were entered into evidence:

Hearing Officer 1
Hearing Officer 2
Hearing Officer 1

DDS Denial Letter 7/29/2024
Hearing Request 9/10/2024
Notice of Hearing 9/25/2024

DDS 1
DDS 2
DDS 3
DDS 4
DDS 5

DDS Application 7/29/2024
DDS Denial Letter 9/4/2024
DDS Second Review 9/3/2024
Neuropsychology Consultation Report [REDACTED]
Psychological Evaluation 7/8/2024

Petitioner 1

Yale Medicine Neurology by Dr. [REDACTED]
[REDACTED]

Petitioner 2

Yale New Haven Health by Dr. [REDACTED]
[REDACTED]

Statement of the Issue:

Is [REDACTED] eligible for DDS services pursuant to Connecticut General Statutes, Section 1-1g?

Findings of Fact:

1. [REDACTED] resides with his sister, [REDACTED], in [REDACTED], Connecticut.

2. [REDACTED]'s date of birth is [REDACTED].
3. [REDACTED] is the Conservator and Attorney-In-Fact for [REDACTED].
4. On [REDACTED], [REDACTED]'s first neuropsychological evaluation was performed (DDS 4).
5. [REDACTED]'s medical history reveals numerous physical conditions including neurofibromatosis 1 (NF1).
6. The Test of Premorbid Functioning (TOPF) was administered by the evaluator with a raw score of 37 and a standard score of 96, which is considered average. See DDS 4.
7. The Wechsler Adult Intelligence Test IV was administered but only three subtests were administered/completed; a) Digit Span Forward with a raw score of 7 and scaled score of 7 which is considered low average; (b) Digit Span Backward with a raw score of 7 and scaled score of 8 which is considered average; and (c) Digit Span Sequencing with a raw score of 4 and a scaled score of 5 which is considered below average. See DDS 4.
8. The evaluator concluded that the "pattern of findings is consistent with diffuse cognitive dysfunction" and that the most likely etiology for [REDACTED]'s difficulties is NF1. See DDS 4.
9. No psychological, neuropsychological, educational, medical or social security records from [REDACTED]'s developmental period, prior to the age of 18, were available or provided.

Definitions:

Pursuant to section 1-1g of the Connecticut General Statutes, in order to be eligible for supports or services from the Department of Developmental Services due to an intellectual disability, an individual must demonstrate a significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period, i.e., before the age of 18. Section 1-1g provides:

- (a) Except as otherwise provided by statute, 'intellectual disability' means a significant limitation in intellectual functioning existing concurrently with

deficits in adaptive behavior that originated during the developmental period before eighteen years of age.

- (b) As used in subsection (a) of this section, 'significant limitation in intellectual functioning' means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual; and 'adaptive behavior' means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

An intelligence quotient of more than two standard deviations below the mean equates to an IQ score of 69 or lower. Christopher R. v. Commissioner, 277 Conn. 594 (2006).

The petitioner has the burden to prove that he meets the eligibility criteria for DDS services. Id.

Discussion:

In order to meet the qualifications for intellectual disability under CGS 1-1g, and receive services from DDS, the Petitioner must prove by a preponderance of the evidence that [REDACTED] experiences concurrent significant limitations in intellectual functioning and adaptive behavior that originated, that is, first occurred, during the developmental period. Such limitations must be measured by tests that are individualized, standardized and clinically and culturally appropriate.

[REDACTED] scored a 96 on the test of Premorbid Functioning (TOPF), which is within the average range. The three subtests on the WAIS IV were above the level of intellectual functioning of 69.

No test results were submitted from [REDACTED]'s developmental period which demonstrated the presence of an intellectual disability prior to the age of 18.

The preponderance of the evidence does not demonstrate that [REDACTED] meets the standard of intellectual disability, as that term is defined by CGS 1-1g, and thus does not meet the eligibility criteria for DDS services.

Conclusion:

██████████ is not eligible for DDS services as an individual with intellectual disability.



Frank J. Forgione
Hearing Officer