

CORRECTIONAL MANAGED HEALTH CARE POLICY MANUAL	Effective Date: 9/8/2022	NUMBER: A-08.3
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	Formulated: 3/85	
	Reviewed: 07/2022	
REFERRAL OF INMATES TO THE DEVELOPMENTAL DISABILITIES PROGRAM (DDP)		

POLICY: All inmates entering the Texas Department of Criminal Justice (TDCJ) are screened for developmental disability within 14 days of arrival. Sheltered housing and habilitative programming are provided for inmates with developmental disabilities.

PURPOSE: To provide inmates identified as having developmental disabilities with sheltered housing and work conditions, and with the opportunity to acquire the skills necessary for improved functioning in the correctional setting and following return to the community.

PROCEDURES:

- I. Inmates assigned to TDCJ facilities suspected of having: an intellectual disability, a diagnosis of borderline intellectual functioning, or significantly impaired adaptive functioning, will be evaluated and may be referred to a DDP facility for further evaluation.
- II. Inmates awaiting transfer to a DDP facility will be monitored by Mental Health Services staff.

III. Screening and Referral Process:

- A. A screening for developmental disability is conducted by specially trained TDCJ personnel within 14 days of arrival in TDCJ through a group administered intelligence test.
 - 1. Inmates who receive substandard scores (<less than 75) on the group administered screening test; have a history of Intellectual Disability or Borderline Intellectual functioning; or exhibit behavior suggestive of deficits in adaptive functioning are referred to a Qualified Mental Health Professional (QMHP) for assessment and completion of the Adaptive Behavior Skills Tool (ABST).
- B. During the Mental Health Evaluation, the QMHP gathers information related to the inmate’s history of receiving services for developmental disabilities or pervasive developmental disorders, and notes reported deficits in adaptive behavior prior to incarceration. A history of serious head injury or brain trauma in the developmental period does not preclude eligibility. However, deficits related to neurocognitive conditions which develop after the developmental period are beyond the scope of services provided through the Developmental Disabilities Program. Individuals referred to the Developmental Disabilities Program must be able to perform their own basic Activities of Daily Living.
 - 1. Inmates in state jail settings identified to have indications of a developmental disorder, are referred to a Developmental Disabilities Program Facility for a comprehensive evaluation, when sentences exceed six months.

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2. State Jail confinees identified with a possible developmental disorder with a sentence of less than six months, will be monitored at least every 30 days by Mental Health staff to provide supportive counseling and assistance with daily activities.
- C. Based on the results of the intake screening test, assessment of current adaptive functioning, and findings recorded in the Mental Health Evaluation, the QMHP will determine if a referral to DDP is indicated for a more in-depth evaluation. If a referral is indicated, the QMHP will complete the DDP referral in the MH Special Program Note Wizard in EHR. Referrals can be found in the MH Special Program Referrals report.
 - D. The DDP Director or designee will review the referral in the MH Special Program Note Wizard in the EHR. Approval/Deferral will be listed in the MH Special Program Referral Reviews report. The referring outpatient QMHP may appeal a decision of non-eligibility to the designated Senior Psychologist.
 - E. The DDP Director, or designee, will notify the TDCJ Classification and Records Office) (CRO) when an inmate has been accepted for evaluation and request transfer to the designated facility
 - F. Previous DDP Inmates who discharged or paroled from TDCJ while in DDP will be referred to DDP, regardless of the length of their sentence if they recidivate.
 - G. Referrals to DDP for evaluation can be made at any time during the offender's incarceration.

IV. Determination of Developmental Disability:

- A. Eligibility for admission to the DDP is based upon the Determination of Developmental Disability (DDD) evaluation conducted over a period not to exceed 30 days following arrival at a DDP facility. If necessary, inmates who require transfer due to medical or psychiatric care during the evaluation, may be granted an extension when they return to DDP, The DDD evaluation consists of comprehensive evaluations of the individuals intellectual and adaptive functioning, with the inmate being able to perform their own Activities of Daily Living. Verification of developmental onset of the disability is also required to complete the DDD.
- B. The Determination of Developmental Disability is based on the following:
 1. The Administration of a standardized, individually administered measure of general intellectual ability, such as the Wechsler Adult Intelligence Scale WAIS-IV. The standard subtests will be administered so that all index scores can be considered in the evaluation unless there is a complicating sensory or physical impairment. For non-English speaking patients the Comprehensive Test of Nonverbal Intelligence, Second Edition (CTONI-2) may be

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administered by trained DDP staff who are certified as an interpreter or assisted by a certified interpreter.

- a. The overall score (e.g., Full Scale IQ) should be used to determine DDP eligibility.
 - b. If the inmate remains un-amenable to testing after repeated attempts to administer standardized measures of intellectual function, then the DDD will be based on standardized measures of adaptive behavior and a careful review of their history of adaptive functioning.
 - c. Results of prior assessments of intellectual functioning may be incorporated into the report. Results of assessments prior to incarceration should be considered valid unless there is compelling evidence to the contrary.
2. The Administration of a current, standardized and normed adaptive behavior instrument (such as the Adaptive Behavior Assessment System-3 (ABAS-3))
 3. The Determination and documentation that evidence of sub-average intellectual ability was present during the developmental period. This review of evidence should include, if available:
 - a. Results of previous assessments.
 - b. Services the inmate has received, which are indicative of Developmental Disabilities.
 - c. Reports by other persons which indicate that Developmental Disability was present during the developmental period.
 4. An inmate will be admitted to the DDP if the DDD results in diagnosis of one of the following conditions:
 - a. Intellectual Disability as defined by the Section 591.003 (7-a), Title 7, Texas Health and Safety Code Section.
 - b. Autism Spectrum Disorder as defined in the current edition of the Diagnostic and Statistical Manual (DSM) provided there is also evidence of significant deficits in adaptive behavior or borderline intellectual functioning
 - c. Individuals identified in the range of Borderline Intellectual Functioning may also be admitted into DDP if there are significant deficits in adaptive behavior. Adaptive behavior shall be considered significantly sub-average when most component scales on a standardized adaptive behavior test, such as the Adaptive Behavior Assessment System-3(ABAS-3), are in the "Disabled Norms" category. For these patients, an Individualized Habilitation Plan (IHP) will be developed to improve identified deficits in adaptive functioning that might enable the inmate to effectively function in a less restrictive, general population setting.

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Reference: ACA Standard 4-4305, Special Needs Inmates
ACA Standard 4-4399, Special Needs