



UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES POLICY AND PROCEDURES		
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ELIGIBILITY REVIEW COMMITTEE (ERC)		
<p>RATIONALE: The intent of this policy is to establish the composition of the eligibility review committee (ERC) and to create procedures for the committee to follow that support fair, timely, and accurate eligibility decisions</p> <p>Authorizing Code: 26B-6-403 Rule: R539-1 Forms: NA</p>		
Original Effective: NA	Revision: 3/16/2026	Next Review Due: 3/1/2029

I. DESCRIPTION

This policy describes the composition of the ERC and establishes procedures to ensure that it operates in a consistent, transparent, and well-organized manner.

II. DEFINITIONS

The following terms are defined for this policy as:

- A. **Acquired brain injury (ABI):** means an injury that is neurological in nature, including a cerebral vascular accident and brain injuries that have occurred after birth. ABI does not include functional limitations that are due solely to mental illness, substance abuse, personality disorder, hearing impairment, visual impairment, learning disabilities, behavior disorders, aging process, or individuals with deteriorating diseases such as multiple sclerosis, muscular dystrophy, Huntington’s chorea, ataxia, or cancer.
- B. **Applicant:** means the individual applying for services, or their guardian if applicable.
- C. **Comprehensive brain injury assessment (CBIA):** means an instrument that serves as the standard comprehensive assessment for the ABI waiver and includes all the data fields necessary to measure the Person’s level of care as defined in the state’s Medicaid nursing facility admission criteria.
- D. **Deferred:** An ERC decision that recommends additional information or updated testing.
- E. **Eligibility review committee (ERC):** means a team of division staff who make eligibility recommendations for individuals applying for services who do not clearly meet state eligibility criteria for waiver services and where a recommendation is needed.
- F. **Eligibility specialist:** means a division staff who is, or is supervised by, a certified

Qualified Intellectual Disability Professional (QIDP) or an ABI Support Coordinator (ABISC)

- G. **Intellectual disability and related conditions (ID.RC):** means an intellectual or development disability diagnosis (or related condition) that results in functional impairment in three or more areas of major life activity.
- H. **Person:** means an eligible individual receiving a division service, or on the waiting list.
- I. **Physical disability (PD):** means a physical impairment that has resulted in the functional loss of two or more limbs.
- J. **Waiver manager (WM):** means division staff responsible for the operation of a specific waiver or waivers, who may delegate certain responsibilities to a designee.

III. POLICY

- A. Upon request by an eligibility specialist, the ERC shall provide an eligibility recommendation for an individual who does not clearly meet state eligibility requirements for intellectual disability and related conditions (ID.RC), acquired brain injury (ABI), or physical disability (PD) services.
- B. Eligibility requirements are described in:
 - 1. Section 26B-6-403;
 - 2. Rule R539-1 “Eligibility,” and
 - 3. Policies 1.2 “Eligibility and Intake (ID.RC),” and 1.3 “Eligibility and Intake (ABI).”
- C. When requested, the ERC shall:
 - 1. review the eligibility information available for an applicant or a Person receiving services; and
 - 2. make a recommendation for the appropriate eligibility status as either “eligible,” “ineligible,” or “deferred.”
- D. The ERC may vote to defer a decision if additional testing or information is needed.
- E. The ERC shall review ABI cases where an earlier assessment resulted in a CBIA score between 36 and 46 points, or between 126 and 136 points.

Composition.

- F. The ERC shall permanently include:
 - 1. the director of the Office of Service Entry, or designee who shall function as the committee chair;
 - 2. the director of the Office of Waiver Services, or designee; and
 - 3. an eligibility specialist with at least one year experience working on the intake and waiting list team.
- G. If reviewing ID.RC cases, the ERC shall also include:
 - 1. the WM of the Community Supports Waiver (CSW); and
 - 2. a psychologist licensed by the Utah Division of Occupational and Professional Licensing (DOPL).
- H. If reviewing ABI cases, the ERC shall also include:
 - 1. the WM of the Acquired Brain Injury Waiver (ABIW); and
 - 2. a physician licensed by DOPL. A licensed physician is a medical doctor (MD) or a doctor of osteopathic medicine (DO).

- I. If reviewing PD cases, the ERC shall also include:
 1. The WM of the Physical Disabilities Waiver (PDW); and
 2. An administrative case manager licensed as a registered nurse by DOPL.

IV. PROCEDURE

- A. The ERC shall meet at least monthly when there is at least one case to review.
- B. For ID.RC eligibility cases, each member shall review:
 1. the ID.RC eligibility criteria as described in Section R539-1-4 and the CSW State Implementation Plan (SIP);
 2. the Needs Assessment Questionnaire (NAQ);
 3. a psychological evaluation or developmental assessment;
 4. the substantial functional limitation supporting documents;
 5. the social history; and
 6. Policy 1.2 “Eligibility and intake (ID.RC).”
- C. For brain injury eligibility reviews, each member shall review:
 1. the ABI eligibility criteria as outlined in Section R539-1-6 and the ABIW SIP;
 2. Policy 1.40 “Qualifying brain injury diagnoses”;
 3. the Comprehensive Brain Injury Assessment (CBIA);
 4. the social history;
 5. the documentation of medical diagnoses;
 6. the substantial functional limitation supporting documents; and
 7. Policy 1.3 “Eligibility and intake (ABI).”
- D. For brain injury eligibility reviews, the ERC shall also validate the CBIA score. The ERC shall confirm that an ABISC administered the CBIA and they:
 1. used the CBIA manual and handouts during the participant’s interview;
 2. considered feedback from all caregivers, natural and service based;
 3. reviewed the medical documentation and diagnosis found in the participant’s file;
 4. completed all sections of the CBIA; and
 5. correctly computed the scores of each section and the total score.
- E. The ERC shall communicate with both the ABISC who administered the CBIA and the participant’s SCE, and the consider their impressions of:
 1. the participant during the administration of the CBIA;
 2. the participant’s overall functioning; and
 3. how (1) and (2) impact the CBIA scores.
- F. For PD reviews, each member shall review:
 1. the PD eligibility criteria as outlined in Section R539-1-5 and the PDW SIP; and
 2. the Minimum Data Set - Home Care (MDS-HC) assessment, specifically Part B “To be completed by the Physician.”
- G. The ERC shall complete a review within 60 calendar days from the date of request.
 1. An ERC vote shall be held after each case is reviewed.
 2. ERC shall strive for a consensus vote, but may utilize a majority vote if needed.
 3. During this review process, licensed psychologists play a pivotal role in interpreting and reviewing psychological testing.
- H. Recommendations shall be identified by the close of the committee meeting and include the following:
 1. an eligibility determination;
 2. individual is determined ineligible; or

3. deferred, which means additional documents are needed or any other follow-up requests.
- I. Once a decision is made, the eligibility committee report form shall be completed, uploaded into USTEPS, and a log note added The chair shall document these committee recommendations in USTEPS within 5 business days of the committee meeting.