

**Rule No. 560-X-52-.03 Eligibility**

Medical eligibility is limited to those individuals who meet the ICF/IID facility level of care. No waiver services will be provided to a recipient residing in an institutional facility, or who has a primary diagnosis of ~~mental illness~~ an intellectual disability, or whose health and safety is at risk in the community. Thus services will be available to individuals with intellectual disabilities who would be eligible for institutional services under 42 CFR §435.217.

Financial eligibility is limited to the following individuals:

- Individuals receiving SSI.
- SSI related protected groups deemed to be eligible for SSI/Medicaid.
- Medicaid for Low Income Families (MLIF).
- Federal and State adoption subsidy individuals.
- Special HCBS waiver disabled individuals whose income is not greater than 300% of the SSI Federal Benefit Rate.

ID persons who meet categorical (including 42 CFR 435.120) medical and/or social requirements for Title XIX coverage will be eligible for home and community-based services under the waiver. Applicants found eligible shall not be required to apply income above the personal needs allowance reserved to institutional recipients toward payment of care.

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**Statutory Authority:** Social Security Act §1915(c); 42 CFR Section 441, Subpart G–Home and Community-Based Services: Waiver Requirements.

**History:** New Rule: Filed September 20, 2002; effective December 26, 2002. **Amended:** Filed November 17, 2008; effective February 11, 2009. **Amended:** Filed June 11, 2014; effective July 16, 2014. **Amended:** Filed May 22, 2017