

Rule No. 560-X-35-.03 Eligibility

Eligibility criteria for ~~h~~Home and ~~e~~Community-~~B~~ased ~~S~~ervices (HCBS) recipients ~~under the Waiver for Persons with Intellectual Disabilities (ID Waiver)~~ shall be the same as eligibility criteria for an ~~intermediate care facility for individuals with intellectual disabilities (ICF/IID)~~. Thus, ~~HCBS under the ID Waiver services~~ will be available to ~~P~~persons with ~~an~~ intellectual disabilities who would be eligible for institutional services under 42 C.F.R. § 435.217 and who are now eligible under 435.120. ~~An individual Persons~~ with ~~an~~ intellectual disabilities who meet categorical (including 42 C.F.R. § 435.120), medical, and/or social requirements for Title XIX coverage will be eligible for ~~HCBS home and community-based services~~ under the ~~ID W~~waiver. Applicants found eligible shall not be required to apply income above the personal needs allowance reserved to institutional recipients toward payment of care.

(1) Financial eligibility ~~for HCBS under the ID Waiver~~ is limited to those individuals receiving SSI, ~~Parent and Other Caretaker Relatives (POCR)~~ ~~Medicaid for Low Income Families (MLIF)~~, SSI related protected groups deemed to be eligible for SSI/Medicaid (i.e., Widow/Widower, Disabled Adult Child, Continuous (Pickle) Medicaid), ~~F~~federal and ~~S~~state adoption subsidy individuals, and special home and community-based optional categorically needy group whose income is not greater than 300 percent of the SSI federal benefit rate.

(2) Medical eligibility ~~for HCBS under the ID Waiver~~ is limited to those individuals that meet the ICF/IID ~~facility~~ level of care. No ~~HCBS under the ID W~~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.

(3) Financial determinations and redeterminations ~~for HCBS under the ID Waiver~~ shall be made by the Alabama Medicaid Agency, the Department of Human Resources or the Social Security Administration, as appropriate. In addition to the financial and medical eligibility criteria, the Alabama Medicaid Agency is limited to the number of recipients who can be served by the ~~ID W~~waiver.

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Statutory Authority: 42 C.F.R. Section 441, Subpart G and the Home and Community-Based Waiver for Persons with Intellectual Disabilities.

History: Rule effective July 9, 1985. **Amended:** November 18, 1987. Effective date of this Amendment January 14, 1997. **Amended:** Filed June 20, 2003; effective September 15, 2003.

Amended: Filed October 21, 2004; effective January 14, 2005. **Amended:** March 21, 2005; effective June 16, 2005. **Amended:** Filed January 20, 2010; effective April 16, 2010.

Amended: Filed July 12, 2017; effective August 28, 2017. **Amended:** Filed July 17, 2018.