

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

Eligibility criteria for Home and Community-Based Services (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 will be available to persons with intellectual disabilities who would be eligible for institutional services under 42 C.F.R. § 435.217 and who are now eligible under 435.120. Persons with 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 under the ID 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), Pregnant Women, Infants and Children under Age 19, Children with Non IV-Adoption Assistance (Over age 21), Children with Non IV-Adoption Assistance, Former Foster Care, Reasonable Classification of Individuals under Age 21, SSI related protected groups deemed to be eligible for SSI/Medicaid (i.e., Widow/Widower, Disabled Adult Child, Continuous (Pickle) Medicaid), federal and 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 level of care. No HCBS under the ID Waiver will be provided to a recipient residing in an institutional facility, or who has a primary diagnosis of mental illness, 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 Waiver.

Author: Samantha McLeod, Associate Director, LTC Specialized Waiver Programs.

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 September 11, 2018; effective October 26, 2018. **Amended:** Filed November 18, 2019