

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

Eligibility criteria for home and community-based services recipients shall be the same as eligibility criteria for an ICF/~~MRIID~~. Thus services will be available to Persons with ~~Mental Retardation~~ an intellectual disability who would be eligible for institutional services under 42 CFR 435.217 and who are now eligible under 435.120. ~~Mentally Retarded~~ An individual with an intellectual disability ~~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.

(1) Financial eligibility is limited to those individuals receiving SSI, Medicaid for Low Income Families (MLIF), SSI related protected groups deemed to be eligible for SSI/Medicaid (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 is limited to those individuals that meet the ICF/~~MRIID~~ facility level of care. No waiver services will be provided to a recipient residing in an institutional facility, or 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 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 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.

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