

**Rule No. 560-X-54-.02 Eligibility.**

(1) Financial eligibility is limited to those individuals receiving SSI, SSI related protected groups deemed to be eligible for SSI/Medicaid (widow/widower, Disabled Adult Child, Continuous (Pickle) Medicaid) and special home and community-based optional categorically needy group whose income is not greater than 300 percent of the SSI federal benefit rate, and optional categorically needy at a special income level of 300 percent of SSI.

(2) Medical eligibility is determined based on current admission criteria for nursing facility level of care as described in Rule No. 560-X-10-.10. In addition, waiver services are limited to those individuals with complex skilled medical conditions who are ventilator-dependent or who have a tracheostomy. In addition, waiver services are limited to those individuals who received private duty nursing services through the Early Periodic Screening Diagnostic Testing (EPSDT) Program under the Alabama Medicaid State Plan who will no longer be eligible for this service upon turning age 21 and for whom private duty nursing services continue to be medically necessary based upon approved private duty nursing criteria outlined in the approved waiver document.

(3) No waiver services will be provided to recipients in a hospital or nursing facility.

(4) The Alabama Medicaid Agency may also deny home and community-based services if it is determined that an individual's health and safety is at risk in the community; if the individual does not cooperate with a provider in the provision of services; or if an individual fail to meet the goals and objectives of being on the waiver program.

(5) The Alabama Medicaid Agency is restricted by the waiver to serving the estimated annual unduplicated number of beneficiaries approved by the Centers for Medicare and Medicaid Services.

(6) The eligibility age criteria is 21 years and above.

**Author:** Luzenia Lawson, Associate Director, Long Term Care, Quality Review Unit.

**Statutory Authority:** 42 CFR Section 441, Subpart G and the Home and Community-Based Technology Assisted Waiver for Adults.

**History:** Emergency Rule filed and effective March 13, 2003. **Amended:** Filed March 20, 2003; effective June 16, 2003. **Amended:** Filed June 20, 2008; effective September 15, 2008.

**Amended:** Filed April 21, 2014.