

Rule No. 560-X-44-.02. Eligibility

(1) Financial eligibility is limited to those individuals receiving SSI Supplemental Security Income, individuals receiving State Supplementation, SSI related protected groups deemed to be eligible for SSI/Medicaid, and Special Home and Community-Based waiver disabled individuals whose income is not greater than 300% of the SSI Federal Benefit Rate.

(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.

(3) The Alabama Medicaid Agency or its operating agency, ~~the Alabama Department of Rehabilitation Services (ADRS)~~ acting on Medicaid's behalf may deny home and community-based services if:

(a) If it is determined that an individual's health and safety is at risk in the community;

(b) The cost of serving an individual on the waiver exceeds the cost of caring for that individual in a nursing facility;

(c) The individual does not cooperate with a provider in the provision of services;

(d) The individual does not meet the goals and objectives of being on the waiver program.

(4) 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.

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Statutory Authority: 42 CFR Section 441, Subpart G and the Home and Community-Based ACT Waiver

History: New Rule: Filed February 10, 2012; effective March 16, 2012. **Amended:** Filed March 21, 2018.