Rule No. 560-X-52-.03 Eligibility

Medical eligibility for HCBS under the LAH Waiver is limited to those individuals who meet the ICF/IID facility level of care. No HCBS under the LAH 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. Thus, HCBS under the LAH Waiver services will be available to persons individuals with intellectual disabilities who would be eligible for institutional services under 42 C.F.R. §435.217.

Financial eligibility for HCBS under the LAH Waiver is limited to the following individuals:

- Individuals receiving SSI.
- SSI related protected groups deemed to be eligible for SSI/Medicaid (i.e., Widow/Widower, Disabled Adult Child, Continuous (Pickle) Medicaid).
- Parent and Other Caretaker Relatives (POCR), Medicaid for Low Income Families (MLIF).
- Federal and State adoption subsidy individuals.
- Special HCBS waiver disabled individuals whose income is not greater than 300% of the SSI Federal Benefit Rate.

Persons with intellectual disabilities ID persons 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 LAH waiver. Applicants found eligible shall not be required to apply income above the personal needs allowance reserved to institutional recipients toward payment of care.

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Statutory Authority: Social Security Act §1915(c); 42 CFR Section 441, Subpart G–Home and Community-Based Services: Waiver Requirements.