

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

Medical eligibility for HCBS under the LAH Waiver is limited to those individuals ~~who that~~ meet the ICF/IID ~~facility~~ level of care. No HCBS under the LAH Wwaiver ~~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.

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