

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 . Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-58-.01

Rule Title: Authority and Purpose

New Rule; Amend; Repeal; Adoption by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed rule have any economic impact? no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer: Stephanie Lindsay

Date: 4-19-12

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ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-58-.01 – Authority and Purpose

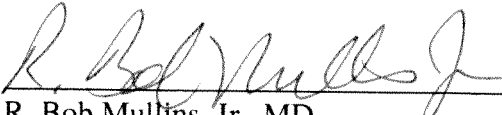
INTENDED ACTION: Amend 560-X-58-.01(2).

SUBSTANCE OF PROPOSED ACTION: The above-referenced rule is being amended to change the name of the Operating Agency of the HIV/AIDS Waiver from the Alabama Department of Public Health to the Alabama Department of Senior Services.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624, 334-242-5833. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than June 5, 2012.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.


R. Bob Mullins, Jr., MD
Commissioner

Chapter 58. Home and Community-Based Services for Individuals Diagnosed with HIV/AIDS and Related Illness

Rule No. 560-X-58-.01. Authority and Purpose.

(1) Home- and community-based services for individuals diagnosed with HIV/AIDS or related illness are provided by the Alabama Medicaid Agency to persons who are Medicaid-eligible under the waiver and who would, but for the provision of such services, require the level of care available in a nursing facility. These services are provided through a Medicaid waiver under provisions of the Omnibus Budget Reconciliation Act of 1981, which added Section 1915(c) to the Social Security Act, for an initial period of three (3) years and renewal periods of five (5) years thereafter upon waiver approval by the Centers for Medicare and Medicaid Services (CMS).

(2) The Operating Agency for the HIV/AIDS Waiver is the Alabama Department of ~~Public Health~~ Senior Services. The Operating Agency is responsible for the day-to-day operations of the waiver program. This includes managing the program by focusing on improving care for the client, protecting the health and welfare of the client, giving the client free choice of providers and waiver service workers, and making sure all direct service providers meet the qualifications as outlined in the waiver document.

(3) Home and community-based services covered in this waiver are Case Management, Homemaker Services, Personal Care, Respite Care, Skilled Nursing and Companion services. These services provide assistance necessary to ensure optimal functioning of individuals diagnosed with HIV/AIDS and related illness.

Author: Samantha McLeod, Associate Director, LTC Specialized Waiver Programs

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

History: New Rule: Filed June 20, 2003; effective September 15, 2003. **Amended:** Filed January 22, 2007; effective April 18, 2007. **Amended:** Filed April 20, 2012.