

APA-1

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-52-.01

Rule Title: Authority and Purpose

\_\_\_\_\_ New Rule; X 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

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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.

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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 Lindzey

Date: 4-18-14

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**ALABAMA MEDICAID AGENCY**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 560-X-52-.01 – Authority and Purpose

**INTENDED ACTION:** Amend 560-X-52-.01

**SUBSTANCE OF PROPOSED ACTION:** The above referenced rule is being amended to change all references to “mental retardation” to “intellectual disability”; to change all references to a “mentally retarded individual” to “an individual with an intellectual disability”; and to add Supported Employment Emergency Transportation and Individual Directed Goods and Services as covered services to the Living at Home Waiver.

**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. 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 4, 2014.

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

  
Stephanie McGee Azar  
Acting Commissioner

**Rule No. 560-X-52-.01 Authority and Purpose**

(1) Home and community-based services for individuals with intellectual disabilities ~~the mentally retarded or related conditions~~ 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 an intermediate care facility (ICF/IIDMR) for individuals with intellectual disabilities ~~the mentally retarded~~. 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 years and renewal periods of five years.

(2) Home and community-based services covered in this waiver are In-Home Residential Habilitation, Day Habilitation, Prevocational Services, Supported Employment, Supported Employment Emergency Transportation, Occupational Therapy, Speech and Language Therapy, Physical Therapy, Behavior Therapy, Respite Care, Personal Care Services, Personal Care Transportation, Environmental Accessibility Adaptations, Specialized Medical Equipment and Supplies, Skilled Nursing, Community Specialist Services, Individual Directed Goods and Services, and Crisis Intervention. These services provide assistance necessary to ensure optimal functioning of individuals with intellectual disabilities. ~~the mentally retarded or persons with related conditions.~~

(3) The Home and Community Based Living at Home Waiver is administered through a cooperative effort between the Alabama Medicaid Agency and the Alabama Department of Mental Health ~~and Mental Retardation~~ and is restricted to individuals with a diagnosis of an intellectual disability, ~~mental retardation or related condition~~, ages 3 and above, and those not residing in a group home situation. Priority access to the Living at Home Waiver shall be given to individuals on a verified waiting list.

**Author:** Samantha McLeod, Associate Director, Long Term Care Specialized Waiver Programs.

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

**History:** New Rule: Filed September 20, 2002; effective December 26, 2002.

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