



**ALABAMA MEDICAID AGENCY**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 560-X-52-.03 – Eligibility

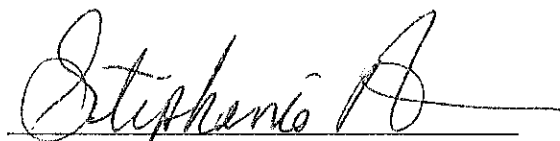
**INTENDED ACTION:** Amend 560-X-52-.03

**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 a new eligibility group to the 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-.03. Eligibility**

Medical eligibility is limited to those individuals who meet the ICF/IIDMR facility level of care. No waiver services will be provided to a recipient residing in an institutional facility, or who has a primary diagnosis of mental illness, ~~mental illness~~, or whose health and safety is at risk in the community. Thus services will be available to individuals with intellectual disabilities ~~the mentally retarded (MR) and persons with related conditions~~ who would be eligible for institutional services under 42 CFR §435.217.

Financial eligibility is limited to the following individuals:

- Individuals receiving SSI.
- SSI related protected groups deemed to be eligible for SSI/Medicaid.
- 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.

ID MR—persons who meet categorical (including 42 CFR 435.120) medical and/or social requirements for Title XIX coverage will be eligible for home and community-based services under the waiver. Applicants found eligible shall not be required to apply income above the personal needs allowance reserved to institutional recipients toward payment of care.

**Author:** Samantha McLeod, Associate Director, Long Term Care 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 September 20, 2002; effective December 26, 2002.

**Amended:** Filed November 17, 2008; effective February 11, 2009. **Amended:** Filed April 21, 2014.