## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No: 560 .	Departn	nent or Agenc	y: <u>Alabama M</u>	ledicaid Agency		<u>.</u>
Rule No: <u>560-X-52</u>	203					
Rule Title: EligibiliNew Rule		_Amend;	Repeal;	Adoption	n by Reference	
Would the absence health, welfare, or s	•	oposed rule si	gnificantly harm	or endanger the p	oublicno	
Is there a reasonable of the public health,			the state's police	power and the pr	rotection yes	<del></del>
Is there another, less protect the public?	s restricti	ive method of	regulation availa	ble that could ad	equately no	
Does the proposed to of any goods or ser			•		e costsno	
Is the increase in co result from the abso				an the harm that	might no	
Are all facets of the they have, as their p	rimary e	ffect, the prot	ection of the pub	lic?	yes	
Does the proposed i	rule have	any economic	e impact?	no		
If the proposed rule note prepared in acc **********************************	cordance	with subsection	on (f) of Section	41-22-23, Code o	of Alabama 197:	<u>5.</u>
I certify that the atta Chapter 22, Title 41 the Administrative l	., Code o	<u>f Alabama 19</u> e Division of	75 and that it cor the Legislative R	forms to all apple ference Service.	icable filing req	
Signature of certify  Date: 4-18	ing office	er: Styp	anie Lin	Saz		<del></del>
Date:	1-)4-		ن ول ول مار بل مله وله مله مار مل دل دل د	*******	ن مال	طر واد ما
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## 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/<u>IID</u>MR 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 <u>mental illness</u>, <u>mental illness</u>, or whose health and safety is at risk in the community. Thus services will be available to <u>individuals with intellectual disabilities</u> the <u>mentally retarded (MR) and persons with related conditions</u> 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.