TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No: 560. Department or Agency: Alabama Medicaid Agency
Rule No: <u>560-X-1202</u>
Rule Title: Home Health New Rule; X Amend; Repeal; Adoption by Reference
Would the absence of the proposed rule significantly hamper 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?
Is there another, less restrictive method of regulation available that could adequately protect the public?
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?
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? ***********************************
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 fisc note prepared in accordance with subsection (f) of Section 41-22-23, <u>Code of Alabama 1975</u> . ***********************************
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 the Administrative Procedure Division of the Legislative Reference Service.
Signature of certifying officer: Styllows
Date: 3-2-12 **********************************
FOR APD USE ONLY
PUBLISHED IN VOLUME ISSUE NO
EDITED AND APPROVED BY DOCUMENT NO

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-12-.02 Home Health Chapter 12

INTENDED ACTION: Amend 560-X-12-.02

SUBSTANCE OF PROPOSED ACTION: The above-referenced chapter is being amended to comply with CMS' removal of the "homebound" language.

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 May 4, 2012

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

R. Bob Mullins, Jr., MD

Commissioner

Chapter 12. Home Health

Rule No. 560-X-12-.02 - Admission Criteria.

- (1) To be eligible for home health care, a recipient must meet all of the following criteria
- (a) The recipient's illness, injury, or disability prevents the recipient from going to a physician's office, clinic or other outpatient setting for required treatment; as a result, he or she would, in all probability, have to be admitted to a hospital or nursing home because of complications arising from lack of treatment, and
- (b) The recipient is unable to leave home under normal circumstances. Leaving home requires a considerable taxing effort by the recipient, and absences from the home are infrequent, of relatively short duration, and for medical reasons, and
- $(e\underline{b})$ The recipient is unable to function without the aid of supportive devices, such as crutches, a cane, wheelchair or walker and requires the use of special transportation or the assistance of another person.

Author: Mattie Jackson, Program Manager, Program Management Unit, Long Term Care Division.

Statutory Authority: Title XIX, Social Security Act; 42 C.F.R. Section 440.70; and State Plan.

History: Rule effective October 1, 1982. Amended December 12, 1988, March 12, 2001. Amended: Filed March 20, 2012