

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.

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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.