

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-35-.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

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.

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 Lindsay

Date: May 22, 2017

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-35-.01 – Authority and Purpose

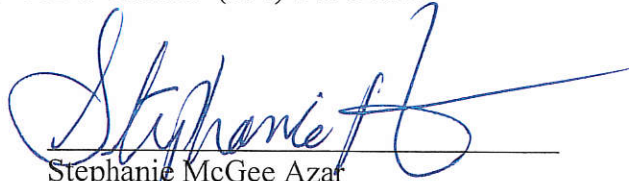
INTENDED ACTION: Amend 560-X-35-.01

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being amended to change all references to “mental retardation” to “intellectual disability” and to change all references to a “mentally retarded individual” to “an individual with an intellectual disability” and to add new services to the Intellectual Disabilities 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 July 5, 2017.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Phone: (334) 242-5833.


Stephanie McGee Azar
Commissioner

Rule No. 560-X-35-.01 Authority and Purpose

(1) Home and community-based services for persons with ~~mental retardation~~ intellectual disabilities 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 for ~~the mentally retarded~~ individuals with intellectual disabilities. 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 Residential Habilitation Training, Residential Habilitation-Other Living Arrangement, Day Habilitation, Prevocational Services, Supported Employment, Occupational Therapy Services, Speech and Language Therapy, Physical Therapy, Behavior Therapy, Companion Services, Respite Care, Personal Care, Environmental Accessibility Adaptations, Specialized Medical Supplies, Skilled Nursing, Specialized Medical Equipment, Crisis Intervention, ~~Benefits and Career Counseling, Community Experience, Housing Stabilization, Individual Directed Goods and Services, Supported Employment Emergency Transportation,~~ Benefits and Career Counseling, Community Experience, Housing Stabilization, Individual Directed Goods and Services, Supported Employment Emergency Transportation, and Community Specialist. These services provide assistance necessary to ensure optimal functioning of ~~the mentally retarded or persons with related conditions~~ individuals with intellectual disabilities.

(3) The Home and Community Based Waiver is administered with a cooperative effort between the Alabama Medicaid Agency and the Alabama Department of Mental Health. Waiver services are limited to individuals with a diagnosis of ~~mental retardation or related condition~~ an intellectual disability, age 3 and above.

Author: Samantha McLeod, Associate Director, LTC Specialized Waiver Programs

Statutory Authority: Section 1915(c) Social Security Act; 42 C.F.R. Section 441, Subpart G; and the Home and Community-Based Waiver for Persons with Intellectual Disabilities

History: Rule effective July 9, 1985. **Amended:** November 18, 1987 and January 14, 1997.

Amended: Filed December 18, 2000; effective March 12, 2001. **Amended:** Filed October 21, 2004; effective January 14, 2005. **Amended:** Filed March 21, 2005; effective June 16, 2005.

Amended: Filed June 12, 2012; effective July 17, 2012. **Amended:** Filed May 22, 2017