

9525.1820 ELIGIBILITY.

Subpart 1. **Eligibility criteria for DD waiver.** A person is eligible to receive home and community-based services through the DD waiver if the person meets all the criteria in items A to E and if home and community-based services are provided according to part 9525.1830:

A. the person is a resident of an ICF/DD or the screening team determines that the person would be placed in an ICF/DD within one year if home and community-based services were not provided;

B. the person has been determined to meet the diagnostic requirements under parts 9525.0004 to 9525.0036;

C. the person is eligible to receive medical assistance under Minnesota Statutes, chapter 256B, or subpart 2;

D. the screening team has determined that the person needs daily intervention;
and

E. the person's individual service plan documents the need for daily intervention and specifies the services needed daily.

Subp. 1a. **Eligibility criteria for the ACS waiver.** A person is eligible to receive home and community-based services through the ACS waiver if the person meets all requirements in subpart 1, items B to E, and:

A. was admitted to a Medicaid-certified nursing facility before January 1, 1990, or amended date as approved by the Health Care and Finance Administration; and

B. is currently residing in a Medicaid-certified nursing facility, but has been determined by the screening team as requiring ICF/DD level of care.

Subp. 2. **Medical assistance eligibility for children residing with their parents.** The county board shall determine eligibility for medical assistance for a person under age 18 who resides with a parent or parents without considering parental income and resources if:

A. the person meets the criteria in subpart 1, items A to E;

B. the person will be provided home and community-based services according to part 9525.1830;

C. the person would not be eligible for medical assistance if parental income and resources were considered; and

D. the commissioner has approved in writing a county board's request to suspend for the person the deeming requirements in Code of Federal Regulations, title 42, section 436.821 according to the waiver.

Subp. 3. **Beginning date.** Eligibility for medical assistance begins on the first day of the month in which the person first receives home and community-based services.

Statutory Authority: *MS s 256B.092; 256B.501; 256B.502; 256B.503*

History: *10 SR 838; 12 SR 1148; 16 SR 2238; 18 SR 2244; L 2005 c 56 s 2*

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