

Provision of Home and Community-Based Waiver Services Eligibility

Amendment of 14 NYCRR Section 635-10.3

Adopted Regulations Effective date: Upon Publication

- Amend the existing subdivision 635-10.3(b) to read as follows:

(b) The application for participation approval shall document that the person:

(1) has a diagnosis of developmental disability;

(2) is eligible for ICF/IID level of care (i.e., placement in an ICF/IID);

(3) is an enrolled Medicaid recipient or is eligible for enrollment;

(4) exercised freedom of choice between receipt of waiver services or placement in an ICF/IID;
[and]

(5) will reside in an appropriate living arrangement (i.e., [his/her]their own home or that of relatives, a supervised or supportive community residence, a certified individualized residential alternative (per section 686.16 of this Title), or in a certified family care home) at the time of enrollment. A person may not reside in an ICF/IID, or if [he/she has]they have resided in an ICF/IID (including a developmental center), be fully discharged from that setting prior to receipt of HCBS waiver services[.]; and

(6) has a demonstrated need for home and community based waiver services as determined by OPWDD.

Note: New material is underlined and deleted material is in [brackets].