

CODE OF D.C. MUNICIPAL REGULATIONS

TITLE 29. PUBLIC WELFARE

CHAPTER 19. HOME AND COMMUNITY-BASED WAIVER SERVICES FOR PERSONS WITH MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

*CDCR 29-1902 (2007)*

29-1902. Eligibility Requirements.

1902.1 An individual eligible to receive Waiver services shall meet all of the following requirements:

(a) Have a special income level equal to 300% of the SSI federal benefit or be aged and disabled with income at 100% of the federal poverty level or be medically needy as set forth in *42 CFR 435.320, 435.322, 435.324 and 435.330*;

(b) Be mentally retarded and developmentally disabled;

(c) Be eighteen (18) years of age or older;

(d) Be a resident of the District of Columbia as defined in D.C. Official Code § 7-1301.03(22);

(e) Have a level of care determination that the individual requires services furnished in an intermediate care facility for persons with mental retardation (ICF/MR) or persons with related conditions pursuant to the criteria set forth in section 1902.4; and

(f) Meet all other eligibility criteria applicable to Medicaid recipients including citizenship and alienage requirements.

1902.2 Waiver services shall not be furnished to a person who is an inpatient of a hospital, ICF/MR or nursing facility.

1902.3 Each individual enrolled in the Waiver shall be re-certified annually as having met all of the eligibility requirements as set forth in subsection 1902.1 for continued participation in the Waiver.

1902.4 An individual shall meet the level of care determination set forth in section 1902.1(e) if one of the following criteria has been met:

(a) The individual's primary disability is mental retardation with an intelligence quotient (IQ) of 59 or less;

(b) The individual's primary disability is mental retardation with an intelligence quotient of 60-69 and the individual has at least one of the following handicapping conditions:

(1) Mobility deficits;

(2) Sensory deficits;

(3) Chronic health problems;

(4) Behavior problems;

(5) Autism;

(6) Cerebral Palsy;

(7) Epilepsy; or

(8) Spina Bifida.

(c) The individual's primary disability is mental retardation with an intelligence quotient of 60-69 and the individual has severe functional limitations in at least three of the following major life activities:

(1) Self care;

(2) Understanding and use of language;

(3) Functional academics;

(4) Social skills;

(5) Mobility;

(6) Self-direction;

(7) Capacity for independent living; or

(8) Health and safety.

(d) The individual has autism, cerebral palsy, prader willi or spina bifida, and has severe functional limitations in at least three of the major life activities set forth in sections 1902.4(c)(1) through 1902.4(c)(8).