

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Ginnie McCardle, Spec. Proj. Officer
Robert E. Lee Building
239 N. Lamar Street
Suite 801
Jackson, MS 39201-1399
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<http://www.dom.state.ms.us>

Specific Legal Authority Authorizing the promulgation of
Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the
Proposed Rule :
Provider Policy Manual Section 68.02 & 68.06

Date Rule Proposed:

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

AP 2006-62. This Provider Policy Manual update amended the Home and Community Based Services/Assisted Living Waiver sections 68.02 & 68.06 for Eligibility and Covered Services respectively.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:
Time:
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: January 1, 2007

Executive Director

Signature and Title of Person Submitting Rule for Filing

Division of Medicaid	New: —X	Date: 06/01/06
State of Mississippi	Revised: X	Date: <u>01/01/07</u>
Provider Policy Manual	Current:	
Section: HCBS/Assisted Living Waiver	Section: 68.02	
Subject: Eligibility	Pages: 1	
	Cross Reference:	

The Assisted Living Waiver provides services to individuals who, but for the provision of such services, would require placement in a nursing facility. Qualified beneficiaries are allowed to reside in a Personal Care Home-Assisted Living (PCH-AL) facility, and Medicaid reimburses for the services received in the facility. The facility must be licensed as a PCH-AL Facility by the Mississippi State Department of Health, and located in one of the following counties: ~~Bolivar, Forrest, Harrison, Hinds, Lee, Newton or Sunflower.~~

Eligibility requirements for the Assisted Living Waiver Program include following:

- Beneficiary must be 21 years of age or older, **AND**
- Beneficiary must have a deficit in at least three (3) activities of daily living **or** a diagnosis of Alzheimer's or other dementia with a deficit in at least two (2) activities of daily living, **AND**
- Beneficiary must require nursing facility level of care, if assistance is not otherwise provided, **AND**
- Beneficiary must be aged, blind or disabled and currently qualify for Medicaid due to receipt of SSI cash assistance or qualify for Medicaid based on income that is under 300% of the SSI limit for an individual. Resources must be less than \$4,000.00.

Division of Medicaid	New: X	Date: 06/01/06
State of Mississippi	Revised: X	Date: <u>01/01/07</u>
Provider Policy Manual	Current:	
Section: HCBS/Assisted Living Waiver	Section: 68.06	
	Pages: 1	
Subject: Covered Services	Cross Reference:	

The Assisted Living Waiver provides the following services:

Case Management Services

Case Management Services assist beneficiaries in accessing needed waiver and other State Plan services, as well as needed medical, social, educational, and other services, regardless of the funding source for the services.

Under the Assisted Living Waiver, all case managers must be a social worker licensed to practice in the State of Mississippi with at least two (2) years of full time experience in direct services to elderly and disabled clients. Case managers may carry an average, active caseload, of no more than fifty (50) cases.

Currently, all case management services are provided through the Division of Medicaid, HCBS section of the Bureau of Long Term Care.

Assisted Living Services

Assisted Living Services may include the following:

- Personal care services
- Homemaker services
- Chore services
- Attendant care services
- Medication oversight/medication administration (to the extent permitted under state law)
- Therapeutic, social, and recreational programming
- Intermittent skilled nursing services
- Transportation
- Attendant call system

Services are provided in a home-like environment in a licensed PCH-AL facility. The service includes twenty-four (24) hour on-site response staff to meet scheduled or unpredictable needs in a way that promotes maximum dignity and independence, and provides for supervision, safety and security.

Other individuals or agencies may also furnish care directly, or under agreement with the PCH-AL facility. Care provided by these other entities may supplement services provided by the PCH-AL facility, but they may not be provided in lieu of those provided by the PCH-AL facility.