

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-53-.03 Participant Eligibility Requirements

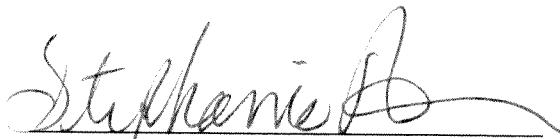
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being amended to clarify the eligibility criteria for entering the Program of All-Inclusive Care for the Elderly (PACE) as set forth in federal law.

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 May 3, 2013.

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



Stephanie McGee Azar
Acting Commissioner

560-X-53-.03.

Participant Eligibility Requirements
Eligibility Criteria.

A) General Rule. The PACE program provides for medically necessary services. To enroll in a PACE program, an individual must meet eligibility requirements specified in this section. To continue to be eligible for PACE, an individual must meet the annual recertification requirements specified in Rule No. 560-X-53-.04.

B) Basic eligibility requirements. To be eligible to enroll in a PACE program, an individual must meet the following eligibility requirements:

~~Eligibility for enrollment in PACE is not restricted to an individual who is either a Medicaid recipient or a Medicare beneficiary. Individuals eligible for enrolling in the PACE program are those included in one of the categories listed below:~~

- ~~(1) Eligible for full Medicaid;~~
- ~~(2) Eligible for Medicare Part A;~~
- ~~(3) Enrolled under Medicare Part B;~~
- ~~(4) Dual eligibles for Medicaid and Medicare.~~

~~Individuals enrolling in the PACE program must meet all of the following criteria:~~

- ~~(1) Must be age 55 years of age or older;~~
- ~~(2) Certified to need nursing home care; Be approved by the Alabama Medicaid Agency to meet the nursing facility level of care as set forth in Rule No. 560-X-10-.10;~~
- ~~(3) Reside in the PACE organizations service area;~~
- ~~(2) Be~~
- ~~(3)(4) Able to live safely in the a community setting at the time of enrollment without jeopardizing his/her health or safety based on criteria set forth in the program agreement; and~~
- ~~(5) Live in a PACE service area. Meet any additional program-specific eligibility conditions imposed under its respective PACE program agreement.~~

C) Eligibility to enroll in a PACE program is not restricted to an individual who is either a Medicare or Medicaid beneficiary. A potential PACE enrollee may be, but is not required to be, any or all of the following:

- (1) Entitled to Medicare Part A;
- (2) Enrolled under Medicare Part B;
- (3) Eligible for full Medicaid;
- (4) Dual eligibles for Medicaid and Medicare.

D) Reasons for Denial.

- (1) Is not 55 years of age or older;
- (2) Has not been approved by the Alabama Medicaid Agency to meet the nursing facility level of care as set forth in Rule No. 560-X-10-.10;
- (3) Does not reside in the PACE service area;
- (4) Is not able to live in a community setting at the time of enrollment without jeopardizing his/her health or safety based on criteria set forth in the

program agreement;

(5) Does not meet additional program-specific eligibility conditions imposed under the respective PACE program agreement; or

E) The Alabama Medicaid Agency will initiate recoupment of payment for services when it determines that state and federal medical necessity and eligibility requirements are not met.

Author: Linda Lackey, Medicaid Administrator, LTC Project Development Unit.

Statutory Authority: State Plan, Attachment 2.2-A, Attachment 3.1-A and Supplement 3; 42 CFR § 460.150; 42 CFR § 460.160; 42 CFR §460 Subpart I.

History: New Rule: Filed November 10, 2011; effective December 15, 2011.

Amended: Filed March 20, 2013.