

OTHER ELIGIBILITY REQUIREMENTS**CARE AT HOME WAIVERS**

Description: Section 366.6 & .7 of Social Services Law authorizes the Care At Home (CAH) program. The CAH Medicaid waiver programs were established and began enrolling children December 1, 1985. Currently there are 5 CAH waivers administered by the SDOH; CAH I & II are overseen on a daily basis by the LDSS and CAH III, IV & VI are overseen on a daily basis by the Office of Mental Retardation and Developmental Disabilities (OMRDD) and the Developmental Disabilities Services Office (DDSO) in twelve regional offices.

The CAH programs are 1915(c) Home and Community Based Medicaid waivers that enable children to access Medicaid for medically necessary State Plan services as well as waiver services such as case management and respite. In order to be enrolled in the CAH waiver, the child must meet several criteria. For example, to enroll in CAH I & II the children must be physically disabled based on SSI program criteria and have been hospitalized for 30 days; for CAH III, IV & VI the children must be disabled based on SSI program criteria and in addition have a developmental disability. The disability certification for any of the waivers can be done by the State or LDSS Disability Review Team.

Each LDSS has a designated CAH coordinator who can be contacted for information regarding the CAH program. It is important for all staff in the LDSS to be aware of the CAH program as applicants may be referred to them from the LDSS CAH coordinator as well as from various other outside sources, such as DDSOs, hospitals, physicians, case management agencies and parents.

Policy: The Medicaid eligibility determination for the CAH waiver is a two-part process. First, the child must be determined ineligible for Medicaid when the income and resources of the parent/legal guardian are deemed available to them. The eligibility determination is then made for the child counting only their own income and resources and excluding the income and resources of the parent/legal guardian. The child is considered a household of one and the child's income and resources are compared to the medically needy level for one. A child must be Medicaid eligible to be enrolled in the waiver. If the child is receiving services paid for by a public program (i.e. Early Intervention, School Supportive

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Health) these services can be used to spend down the child's excess income.

Enrollment in the CAH waivers ends on the child's 18th birthday. Prior to turning 18 the child may file an application for SSI. However, the child may continue to be MA eligible pending the SSI determination, as parental deeming is not applicable for certified disabled individuals over the age of 18.

References: **SSL Sect. 366.6 & .7**

ADMs ADM 86 ADM-4
ADM 91 ADM-11

Interpretation: *When making an eligibility determination for a CAH applicant, the child must be found ineligible for Medicaid when parental income and resources are used in the determination and found eligible when deeming is not applied.*