

**Mississippi Secretary of State**  
125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Division of Medicaid		CONTACT PERSON Margaret Wilson	TELEPHONE NUMBER 601-359-5248	
ADDRESS 550 High Street, Suite 1000		CITY Jackson	STATE MS	ZIP 39201
EMAIL Margaret.Wilson@medicaid.ms.gov	SUBMIT DATE <b>JUN 21 2016</b>	Name or number of rule(s): Title 23: Medicaid, Part 208: Home and Community-Based Services (HCBS) Long-Term Care, Chapter 1: Home and Community-Based Services (HCBS) Elderly and Disabled (E&D) Waiver, Chapter 2: Home and Community-Based Services (HCBS) Independent Living (IL) Waiver, Chapter 3: Home and Community-Based Services (HCBS) Assisted Living (AL) Waiver, Chapter 4: Home and Community-Based Services (HCBS) Traumatic Brain Injury/Spinal Cord Injury (TBI/SCI) Waiver, Chapter 5: Home and Community-Based Services (HCBS) Intellectual Disabilities/Developmental Disabilities Waiver, Rules 1.2: Eligibility, 2.2: Eligibility, 3.2: Eligibility, 4.2: Eligibility, 5.1: Eligibility.		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The filing of this administrative code updates the language of the eligibility categories for home and community-based waiver services.

Specific legal authority authorizing the promulgation of rule: 42 USC § 1396n; 42 CFR §§ 435.217, 440.180, 441.301; Miss. Code Ann. §§ 43-13-115, 43-13-117, 43-13-121.

List all rules repealed, amended, or suspended by the proposed rule: 1.2, 2.2, 3.2, 4.2 and 5.1.

**ORAL PROCEEDING:**

- An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_
- Presently, an oral proceeding is not scheduled on this rule.

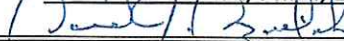
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


**ECONOMIC IMPACT STATEMENT:**

- Economic impact statement not required for this rule.  Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	<b>Action proposed:</b> <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference <b>Proposed final effective date:</b> <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	<b>Date Proposed Rule Filed:</b> <b>MAY 26 2016</b> <b>Action taken:</b> <input checked="" type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed <b>Effective date:</b> <input type="checkbox"/> 30 days after filing <input checked="" type="checkbox"/> Other (specify): <b>AUG 01 2016</b>

Printed name and Title of person authorized to file rules: David J. Dzielak, Ph.D., Executive Director

Signature of person authorized to file rules: 

<p align="center"><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div> <p>Accepted for filing by _____</p>	<p align="center"><b>DO NOT WRITE BELOW THIS LINE</b></p> <p align="center"><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div> <p>Accepted for filing by _____</p>	<p align="center"><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p><b>FILED</b></p> <p><b>JUN 21 2016</b></p> <p><b>MISSISSIPPI</b></p> <p><b>SECRETARY OF STATE</b></p> <p><b>#22039</b></p> </div> <p>Accepted for filing by </p>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.