

SDMI HCBS104  
Department of Public Health and Human Services  
MENTAL HEALTH SERVICES BUREAU

**SECTION**  
INTRODUCTION

**SUBJECT**  
Eligibility Requirements For SDMI and Legal Requirements

**REQUIREMENT**

**HOME AND COMMUNITY BASED SERVICES**

To be eligible for Home and Community Based Services, individuals must meet all the following criteria:

1. Be financially eligible for Medicaid. Department Eligibility Staff determine initial and ongoing eligibility for Medicaid. Individuals who are eligible for Medicaid in the community may have additional eligibility requirements for Medicaid under the Home and Community Based Services Program. Contact the Office of Public Assistance for information.
2. Have a Severe and Disabling Mental Illness;
3. Be determined appropriate for the HCBS Program via SDMI Determination and/or PASRR screen;
4. Require the level of care of a nursing facility or hospital;
5. Be 18 years of age or older;
6. Not receive case management services through another Medicaid program.
7. Not receive services through the Developmentally Disabled waiver program.
8. Live in the area covered by the waiver or willing to move to the area.

**PERSONAL ASSISTANCE INTRODUCTION AND LEGAL AUTHORITY**

Personal assistance is an optional Medicaid (Title XIX) program authorized by Section 1905(a)(18) of the Social Security Act and 42 CFR 440.170(f).

Sections 37.40.1101 through 37.40.1106 of the Administrative Rules of Montana (ARM) provide the state legal authority to implement the Personal Assistance Services Program.

**HOME & COMMUNITY BASED SERVICES INTRODUCTION AND LEGAL AUTHORITY**

Section 2176 of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, added Section 1915(c) to the Social Security Act. This section authorized the Secretary of Health and Human Services to waive certain Medicaid statutory limitations in order to allow states

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to cover Home and Community Based Services that individuals may need to avoid institutionalization. States with approved waivers can be reimbursed for Home and Community Based Services to individuals who would otherwise require the level of care provided in a nursing facility.

Federal regulations governing the Home and Community Based Services Program are in 42 CFR 441.300 through 441.310. Section 53-6-401 and 53-6-402 of the Montana Codes Annotated and Section 46.12.1401 through 46.12.1482 of the Administrative Rules of Montana (ARM) provide the state legal authority to implement the Home and Community Based Services Program.

**FEDERAL REQUIREMENTS**

The Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) monitors the implementation of all Home and Community Based Service (HCBS) waivers to determine if federal requirements are being met.

Reference: 42 CFR 441.300-310

**SUMMARY**

These sections of the CFR define home and community based services, who can deliver services, and consumer eligibility.

