

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, May 13, 2026, and filed with the agency secretary on Tuesday, May 19, 2026.

AGENCY NAME: Alabama Medicaid Agency

INTENDED ACTION: Amend

RULE NO.: 560-X-35-.04

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **560-X-35-.04**

RULE TITLE: Characteristics Of Persons Requiring ICF/IID Care

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIV, ISSUE NO. 6, AAM,
DATED TUESDAY, MARCH 31, 2026.

STATUTORY RULEMAKING AUTHORITY:

42 C.F.R. Section 441, Subpart G and
the Home and Community-Based Waiver
for Persons with Intellectual
Disabilities.

(Date Filed)
(For LRS Use Only)
REC'D & FILED
MAY 19, 2026
LEGISLATIVE SVC AGENCY

Timothy "Bo" A. Offord, Jr.

Timothy Offord

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

Characteristics Of Persons Requiring ICF/IID Care.

(1) Generally, persons eligible for the level of care provided in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) are those persons who need such level of care because the severe, chronic nature of their mental impairment results in substantial functional limitations in three or more of the following areas of life activity:

Self-Care

Receptive and expressive language

Learning

Self-direction

Capacity for independent living

Mobility

(2) Services provided in an ICF/IID in Alabama are those services that provide a setting appropriate for a functionally individual with an intellectual disability in the least restrictive productive environment currently available. Determination regarding eligibility for ICF/IID care is made by a Qualified Developmental Disabilities Professional (QDDP). A QDDP is an individual possessing, at minimum, those qualifications in 42 C.F.R. Section 483.430. Recommended continued stay is made by an interdisciplinary team of a nurse, social worker, and a member of appropriate related discipline, usually a psychologist, and certified by a QDDP and a physician.

(3) ICF/IID care includes those services that address the functional deficiencies of the beneficiaries and that require the skills of a QDDP to either provide directly or supervise others in the provision of services needed for the beneficiary to experience personal hygiene, participate in daily living activities appropriate to his functioning level, take medication under appropriate supervision (if needed), receive therapy, receive training toward more independent functioning, and experience stabilization as a result of being in the least restrictive, productive environment in which he or she can continue his/her individual developmental process.

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Statutory Authority: 42 C.F.R. §441, Subpart G; Home- and Community-Based Waiver for Persons with Intellectual Disabilities.

History: Rule effective July 9, 1985. **Amended:** effective November 18, 1987, June 6, 1990. **Amended:** February 5, 2001; effective March 12, 2001. **Amended:** Filed May 12, 2005; effective June 16, 2005. **Amended:** Filed July 12, 2017; effective August 26, 2017. **Amended:** Published May 29, 2026; effective July 13, 2026.