**Section 120.140 Eligibility criteria**

a) The Individual's age shall be within guidelines set forth by the Adults with Developmental Disabilities Waiver, Children's Residential Waiver, or the Children's Support Waiver at the time services are initiated.

b) The Individual shall be a resident of Illinois.

c) Prior to Medicaid waiver enrollment, an ISC agency shall assess the Individual and determine that a developmental disability is present, that the Individual could benefit from active treatment, and that the Individual does not require 24-hour nursing care.

1) Individuals shall be given a choice of alternative services through the pre-admission screening process. The choice shall include both ICF/DD and Home and Community-Based Waiver services, which are an alternative to ICF/DD placement.

2) The criteria for this determination are contained in HFS' rule at 89 Ill. Adm. Code 140.642.

d) The Individual shall meet all financial and non-financial Medicaid eligibility criteria as specified in the approved State Medicaid Plan.

e) The Individual shall not be receiving services in a nursing facility, Skilled Nursing Facility (SNF), Intermediate Care Facility (ICF), Intermediate Care Facility for Developmental Disabilities (ICF/DD), State-Operated Facility, Medically Complex facility for persons with Developmental Disabilities (MC/DD), hospital, or another Medicaid Waiver program (without direct approval from the Secretary of the Department) at the time HCBS Waiver services are being delivered.

(Source: Amended at 48 Ill. Reg. 5279, effective March 21, 2024)