**Section 146.1001 MC/DD Service Criteria**

Need for MC/DD Services

a) The need for MC/DD services shall be established through a comprehensive assessment (see 89 Ill. Adm. Code 140.642), the Level II assessment, that demonstrates that the individual has a condition requiring skilled level nursing care, needs active treatment and has either:

1) an intellectual disability; or

2) a related condition that meets all of the following conditions:

A) It is attributed to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness or infirmities of aging, found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of intellectually disabled persons, and requires treatment or services similar to those required for these persons;

B) It is manifested before the person reaches age 22;

C) It is likely to continue indefinitely; and

D) It results in substantial functional limitations in three or more of the following areas of major life activity: self care, understanding and use of language, learning, mobility, self direction, and capacity for independent living.

b) Active treatment is defined by federal regulations at 42 CFR 483.440(a) as a program of specialized and generic training, treatment, health services and related services, that is directed toward the acquisition of the behaviors necessary for the client to function with as much self determination and independence as possible and the prevention or deceleration of regression or loss of current optimal functional status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

c) No applicant for MC/DD services meeting the above criteria shall be found to be inappropriate for such services due to a need for the treatment of a severe or profound sensory disabling condition, motor deficit, or intellectual disability; nor shall such an applicant be denied MC/DD services due to age, medical needs, or maladaptive behavior, except as otherwise described in this Section.

(Source: Added at 47 Ill. Reg. 18051, effective November 21, 2023)