

441—83.128(249A) Adverse service actions.

83.128(1) Denial. An application for children's mental health waiver services shall be denied when the department determines that:

- a.* The consumer is not eligible for or in need of waiver services.
- b.* Needed services are not available or received from qualified providers.
- c.* Service needs exceed the limit on aggregate monthly costs established in 83.122(6) "c" or are not met by the services provided.

83.128(2) Termination. A consumer's participation in the children's mental health waiver program may be terminated when the department determines that:

- a.* The provisions of 441—paragraph 130.5(2) "a," "b," "c," "g," or "h" apply.
- b.* The costs of the children's mental health waiver services for the consumer exceed the aggregate monthly costs established in 83.122(6) "c."
- c.* The consumer receives care in a hospital, nursing facility, psychiatric hospital serving children under the age of 21, or psychiatric medical institution for children for 30 days in any one stay.
- d.* The physical or mental condition of the consumer requires more care than can be provided in the consumer's own home, as determined by the consumer's case manager.
- e.* Service providers are not available.

83.128(3) Reduction. Reduction of services shall apply as specified in 441—paragraphs 130.5(3) "a" and "b."