

441—83.48(249A) Adverse service actions.

83.48(1) Denial. An application for services shall be denied when it is determined by the department that:

- a.* The client is not eligible for or in need of services.
- b.* Except for respite care, the AIDS/HIV waiver services are not needed on a regular basis.
- c.* Service needs exceed the aggregate monthly costs established in 83.42(2) “*b*” or cannot be met by the services provided under the waiver.
- d.* Needed services are not available from qualified providers.

83.48(2) Termination. Participation in the AIDS/HIV waiver program may be terminated when the department determines that:

- a.* The provisions of 441—subrule 130.5(2), paragraph “*a*,” “*b*,” “*c*,” “*d*,” “*g*,” or “*h*” apply.
- b.* The costs of the AIDS/HIV waiver services for the person exceed the aggregate monthly costs established in 83.42(2) “*b*.”
- c.* The client receives care in a hospital or nursing facility for 30 days or more in any one stay for purposes other than respite care.
- d.* The client receives AIDS/HIV waiver services and the physical or mental condition of the client requires more care than can be provided in the client’s own home as determined by the service worker.
- e.* Service providers are not available.

83.48(3) Reduction of services shall apply as in 441—subrule 130.5(3), paragraphs “*a*” and “*b*.”