

**CHAPTER 75-03-39  
AUTISM SERVICES WAIVER**

Section

75-03-39-01 Definitions

75-03-39-02 Eligibility for Services Under the Medicaid Autism Spectrum Disorder Birth Through Seventeen Waiver

**75-03-39-01. Definitions.**

1. "Department" means the department of health and human services.
2. "Division" means the medical services division of the department.
3. "Qualified professional" means a primary care provider or licensed medical care provider qualified to diagnose autism spectrum disorder.

**History:** Effective July 1, 2014; amended effective April 1, 2018; January 1, 2024.

**General Authority:** NDCC 50-06-16, 50-24.1-04

**Law Implemented:** NDCC 50-24.1-26

**75-03-39-02. Eligibility for services under the Medicaid autism spectrum disorder birth through seventeen waiver.**

1. A child is eligible for autism services under the department's Medicaid autism spectrum disorder birth through seventeen waiver if the following conditions are met:
  - a. The age of the child is birth through seventeen years of age;
  - b. The child has an autism spectrum disorder diagnosis from a qualified professional able to determine diagnosis;
  - c. An autism spectrum disorder waiver slot is available; and
  - d. The child meets the institutional level of care required by the centers for Medicare and Medicaid services.
2. Annual redetermination for continued waiver services is required to determine if the child meets the institutional level of care required by the centers for Medicare and Medicaid services.

**History:** Effective July 1, 2014; amended effective April 1, 2018; January 1, 2020; January 1, 2022; January 1, 2024.

**General Authority:** NDCC 50-06-16, 50-24.1-04

**Law Implemented:** NDCC 50-24.1-26