

1915(c) Home and Community Based Services Waiver

Overview

Section 1915(c) of the Social Security Act allows the state to waive certain Medicaid requirements to deliver home and community-based services (HCBS) rather than institutional services. Using this authority, the state provides Medicaid HCBS to a targeted population with functional needs that meet an institutional level of care (LOC). The 1915(c) waiver is the most commonly used authority to provide Medicaid HCBS. Nearly all states and the District of Columbia offer services through one or more 1915(c) waiver programs.

Administration

Under this authority, the state must:

- Demonstrate that providing waiver services will not cost more than providing those services in an institution (i.e., cost neutrality);
- Ensure the protection of the participants' health and welfare;
- Establish adequate provider standards to meet the needs of the target population; and
- Ensure service delivery follows a person-centered service plan, which aims to maximize each participant's control over the services they receive.

The state designs the 1915(c) waiver to deliver services to one or more of the following target groups, or a subgroup of one of these groups:

- Aged or disabled, or both;
- Individuals with intellectual or developmental disabilities, or both;
- Mentally ill.

Under the 1915(c) authority, the state can waive Medicaid provisions related to comparability, statewideness, and income and resource requirements. The state can limit the number of people served by each 1915(c) waiver program and can impose caps on average costs per person to meet cost neutrality requirements.

The state has broad flexibility in designing a service package offered in a 1915(c) waiver and, as a result, each 1915(c) waiver program offers a unique array of service options. Common service options include personal care, homemaker, home health aide, adult day health, habilitation services, case management, and respite care. The 1915(c) waiver may not cover room and board costs.

- To implement a 1915(c) waiver program, the state must submit a [1915\(c\) waiver application](#) and receive approval from the Centers for Medicare & Medicaid Services (CMS).
- The [1915\(c\) HCBS Waiver Technical Guide](#) serves as a resource for this authority.
- A 1915(c) waiver application is typically approved initially for three years and then renewed for five-year periods.

Program Eligibility

Functional: The participant must meet an institutional LOC defined by the state. The state can develop its own LOC assessment tool(s), whose criteria might include:

- Medical diagnoses and history;
- Cognitive or behavioral impairments;
- Need for supervision or assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL); and
- Environmental factors (e.g., housing instability).

Financial: The participant must be eligible for Medicaid:

- Through traditional pathways (income-based, age, or disability); or
- Through specific waiver provisions that may expand financial eligibility.

Target Population: The participant must belong to the target population group that the 1915(c) waiver serves.

Statutory and Regulatory References

- [Social Security Act](#) Section 1915(c)
- [42 Code of Federal Regulations \(CFR\), Part 441, Subpart G: Home and Community-Based Services: Waiver Requirements](#)

1915(c) Waiver Programs Across States

There are currently more than 260 approved 1915(c) waivers. States typically offer multiple 1915(c) waivers that target different population groups. CMS maintains a searchable list of programs, available at <https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list>.

Additional Resources:

- [CMS webpage: Home and Community-Based Services 1915\(c\) Overview](#)
- [CMS HCBS Technical Assistance Website: 1915\(c\) Home and Community-Based Services Waiver](#)
- [CMS Presentation: Home and Community-Based Services](#)
- [CMS Presentation: Revisions to the 1915\(c\) Home and Community-Based Services \(HCBS\) Waiver Application and Technical Guide](#)
- [Congressional Research Service: Medicaid Section 1915\(c\) Home-and Community-Based Services Waivers](#)