

TO BE RESCINDED

173-35-02 **Eligibility.**

(A) Only an individual who meets all of the following criteria is eligible for the RSS program:

(1) Pursuant to division (C)(1) of section 173.35 of the Revised Code, the individual resides in one of the following:

(a) An adult foster home certified under section 173.36 of the Revised Code;

(b) An adult family home, as defined in section 3722.01 of the Revised Code, that is licensed as an adult care facility under section 3722.04 of the Revised Code;

(c) An adult group home, as defined in section 3722.01 of the Revised Code, that is licensed as an adult care facility under section 3722.04 of the Revised Code;

(d) A residential care facility, as defined in section 3721.01 of the Revised Code, that is licensed under section 3721.02 of the Revised Code;

(e) A community alternative home, as defined in section 3724.01 of the Revised Code, that is licensed under section 3724.03 of the Revised Code;

(f) A residential facility of the type defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code, that is licensed by the Ohio department of mental health; or,

(g) An apartment or room that is used to provide community mental health housing services, is certified by the Ohio department of mental health under section 5119.611 of the Revised Code, and is approved by a board of alcohol, drug addiction, and mental health services in accordance with division (A)(14) of section 340.03 of the Revised Code.

(2) A CDJFS has determined that the individual is financially eligible for medicaid in accordance with Chapter 5101:1-17 of the Administrative Code;

(3) The individual needs at least a protective level of care;

- (4) The individual does not require more than one hundred twenty days of skilled nursing care during any twelve-month period, unless the individual resides in a licensed residential care facility authorized to provide skilled nursing care in accordance with section 3721.011 of the Revised Code;
 - (5) The individual does not have a cognitive impairment that requires the presence of another person on a twenty-four-hours-per-day basis for the purpose of supervision to prevent harm;
 - (6) The individual is not a participant in any home and community-based waiver granted by the United States secretary of health and human services and under Section 1915(c) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396n, as amended;
 - (7) The individual is not a participant in the program of all-inclusive care for the elderly ("PACE");
 - (8) The individual agrees to participate in the RSS program and has signed the RSS resident agreement/release of information form; and,
 - (9) The PAA has a RSS vacancy.
- (B) If, at any time, a resident no longer meets all the criteria of paragraph (A) of this rule, the resident is no longer eligible for the RSS program.

Effective: 03/07/2011

R.C. 119.032 review dates: 11/09/2010

CERTIFIED ELECTRONICALLY

Certification

02/25/2011

Date

Promulgated Under: 119.03
Statutory Authority: 173.02, 173.35, Section 1616(b)(2) of the Social Security Act
Rule Amplifies: 137.35
Prior Effective Dates: 10/02/1995 (Emer.), 12/30/1995, 01/02/1998, 07/01/2000, 09/29/2002, 01/01/2008