

## TO BE RESCINDED

173-35-03                    **Enrollment.**

(A) To enroll in the RSS program, an individual shall submit a request to a PAA or a CDJFS shall refer the individual to a PAA in accordance with Chapter 5101:1-17 of the Administrative Code. If an individual and one or more members of the individual's immediate family are applying the RSS program, they may elect, at the time of registration, to be considered as one individual in the selection process.

(B) Once the enrollment process is initiated, the PAA shall do the following:

(1) Record the date of the request made in paragraph (A) of this rule as the date of request for consideration for the RSS program;

(2) Record the following identifying information about the applicant:

(a) The individual's name, address, telephone number, date of birth, and social security number;

(b) If the individual has an authorized representative, the name, address, and telephone number of the authorized representative;

(c) If the individual has a legal representative, the name, address, and telephone number of the legal representative; and,

(d) Whether the individual receives SSI benefits.

(3) Complete an assessment to determine if the applicant meets all the non-financial program eligibility criteria in rule 173-35-02 of the Administrative Code;

(4) If the applicant meets all the non-financial eligibility criteria for the RSS program, add the applicant to the waiting list; and,

(5) Allow any individual to withdraw from the waiting list at any time.

(C) A PAA shall select individuals from the waiting list for the RSS program pursuant to the following:

(1) Selection of individuals for RSS enrollment shall only occur after a PAA determines that the number of RSS residents living within the geographic region administered by that PAA is less than the maximum number of

residents allocated to that PAA in accordance with rule 173-35-04 of the Administrative Code. The PAA shall enroll enough eligible individuals to raise the number of residents to the maximum authorized for that PAA.

- (2) The PAA shall offer enrollment to individuals placed on the waiting list prior to July 1, 2006 who meet the requirements for enrollment described in paragraph (D) of this rule in the following order:
  - (a) Individuals who currently reside in a community setting, in the order in which such individuals were placed upon the waiting list.
  - (b) If no individuals meeting the criterion of paragraph (C)(2)(a) of this rule remain on the waiting list, then individuals who do not currently reside in a community setting, in the order in which such individual were placed upon the waiting list.
- (3) The PAA shall offer enrollment to individual placed on the waiting list on or after July 1, 2006 who meet the requirements for enrollment described in paragraph (D) of this rule in the following order:
  - (a) If no individuals meeting the criteria of paragraph (C)(2)(a) or (C)(2)(b) of this rule remain on the waiting list, then individuals who currently reside in a NF and are currently receiving SSI benefits, in the order in which such individuals were placed upon the waiting list.
  - (b) If no individuals meeting the criteria of paragraph (C)(3)(a) of this rule remain on the waiting list, then individuals who are currently receiving SSI benefits, in the order in which such individuals were placed upon the waiting list.
  - (c) If no individuals meeting the criterion of paragraph (C)(3)(b) of this rule remain on the waiting list, then individuals who currently reside in a NF but are not currently receiving SSI benefits, in the order in which such individuals were placed upon the waiting list.
  - (d) If no individuals meeting the criteria of paragraph (C)(3)(c) of this rule remain on the waiting list, then all other individuals on the waiting list, in the order in which such individuals were placed upon the waiting list.
- (4) If the family enrollment option described in paragraph (A) of this rule is chosen, when the first member of the family is selected for RSS enrollment, the PAA shall consider the other members of the family for enrollment in the RSS

program. In such cases, when members of an immediate family are enrolled into the RSS program as a group, the PAA shall consider each member of the family individually for the purposes of counting the maximum number of residents assigned to PAA.

In order to allow immediate family members to enroll in RSS at the same time, the maximum number authorized for that region may be temporarily exceeded if the immediate family members are otherwise eligible. The number of future residents shall be reduced by the number of residents by which the maximum was exceeded for this purpose.

- (5) In the event that an individual on the waiting list for the RSS program has been admitted to a NF, the PAA shall ensure that a long-term care consultation was provided to the individual, pursuant to Chapter 173-43 of the Administrative Code.

(D) Prior to enrollment, the PAA shall do the following:

- (1) Contact the individual. If the PAA cannot make contact with the individual selected under paragraph (C) of this rule over the course of ten working days, it shall no longer consider the individual for the RSS program unless the individual applies for the RSS program again. If the PAA is no longer considering the individual for the RSS program, in accordance with this paragraph, the PAA shall select another individual from the waiting list, in accordance with paragraph (C) of this rule;
- (2) Determine whether the individual continues to meet the eligibility criteria of rule 173-35-02 of the Administrative Code;
- (3) Complete form JFS 07120 ("Residential State Supplement") for the individual and submit it to a CDJFS, in accordance with Chapter 5101:1-17 of the Administrative Code, and verify whether the CDJFS has determined that the individual meets the medicaid financial eligibility criteria;
- (4) Assist the individual by locating an approved living arrangement that is capable of meeting the individual's needs in accordance with rule 173-35-05.1 of the Administrative Code. The individual may seek admission to any approved community living arrangement in any county in Ohio;
- (5) Develop a RCP with the individual and the facility that is signed by the individual, the facility, and the PAA no less than thirty days after the enrollment date; and,

- (6) Provide a copy of the signed RCP to the individual and to the facility.
- (E) A PAA may deny enrollment into the RSS program to an individual who fails to cooperate in the enrollment process. Failure to cooperate occurs when the individual does not perform one of the following:
- (1) Apply for medicaid no later than ten working days after the date of the determination in paragraph (D)(2) of this rule; or,
  - (2) Select a facility for a determination of the facility's appropriateness, in accordance with rule 173-35-05.1 of the Administrative Code, no later than thirty calendar days after the date of the determination in paragraph (D)(2) of this rule.
- (F) If a PAA determines that an individual is ineligible for the RSS program, the CDJFS shall notify the individual of the right to a hearing, pursuant to division (H) of section 173.35 of the Revised Code.
- (G) If a PAA determines that a resident is no longer eligible for the RSS program in accordance with paragraph (B) of rule 173-35-02 of the Administrative Code, the CDJFS shall notify the resident of the disenrollment and right to a hearing, pursuant to division (H) of section 173.35 of the Revised Code.

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CERTIFIED ELECTRONICALLY

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Certification

02/25/2011

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Date

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