

173-40-02

**Eligibility criteria for the state-funded PASSPORT program (state-funded component): individual eligibility requirements.**

(A) Presumptive: Only an individual who meets all the following criteria requirements is eligible for the state-funded component of the PASSPORT program on the basis of presumptive eligibility:

- (1) First time only: The individual was not previously enrolled in the state-funded component of the PASSPORT program or the state-funded component of the assisted living program.
- (2) Consultation: The individual has participated in a long-term care consultation under ~~section 173.42 of the Revised Code and~~ Chapter 173-43 of the Administrative Code.

(3) Financial criteria requirements:

- (a) The individual completed and submitted forms JFS07200 and ~~JFS02399 ODM02399~~ to ~~the CDJFS ODM's administrative agency~~ to apply for the medicaid-funded component of the PASSPORT program and the application is still pending because ~~the CDJFS ODM's administrative agency~~ has not yet made a final determination on his or her financial eligibility. (If ~~the CDJFS ODM's administrative agency~~ had already determined ~~that~~ he or she was eligible to participate in the medicaid-funded component of the PASSPORT program, he or she would be enrolled in the medicaid-funded component of the PASSPORT program and no longer be eligible for the state-funded component of the PASSPORT program. If ~~the CDJFS ODM's administrative agency~~ had already determined that he or she was not financially eligible to participate in the medicaid-funded component of the PASSPORT program, he or she would also not be eligible to participate in the state-funded component of the PASSPORT program.)
- (b) The individual agreed that, if he or she is enrolled into the state-funded component of the PASSPORT program, then ~~the CDJFS ODM's administrative agency~~ determines that the individual is financially eligible for the medicaid-funded component of the PASSPORT program, that he or she would immediately be transferred to the medicaid-funded component of the PASSPORT program.
- (c) The individual is actively assisting ~~the CDJFS ODM's administrative agency~~ in determining if he or she is financially eligible to participate in the medicaid-funded component of the PASSPORT program by expeditiously providing ~~the CDJFS ODM's administrative agency~~ with

copies of any financial records ~~the CDJFS~~ that ODM's administrative agency may need to make its financial eligibility determination.

- (d) ODA ~~(or ODA's designee)~~ or its designee completed form ODA1115 and determined that ~~the CDJFS ODM's administrative agency will~~ would most likely determine that the individual meets the financial eligibility ~~criteria~~ requirements for the medicaid-funded component of the PASSPORT program listed in rules ~~5101:1-38-01.6~~ 5160:1-2-03 and ~~5101:1-38-01.8~~ 5160:1-2-10 of the Administrative Code, and ODA ~~(or ODA's designee)~~ or its designee has no reason to doubt that determination.

(4) Non-financial ~~criteria~~ requirements:

- (a) ODA ~~(or ODA's designee)~~ or its designee and the individual completed form ODA1116, and the form indicated ~~that~~ the individual chose to enroll in the state-funded component of the PASSPORT program, named the individual's representative (if any), and indicated ~~that~~ the individual authorized ODA ~~(or ODA's designee)~~ or its designee to release information.
- (b) ODA ~~(or ODA's designee)~~ or its designee determined ~~that~~ the individual meets the non-financial eligibility ~~criteria~~ requirements for the medicaid-funded component of the PASSPORT program, ~~which are~~ listed in rule ~~5101:3-31-03~~ 5160-31-03 of the Administrative Code.

- (5) Patient liability: ODA ~~(or ODA's designee)~~ or its designee assessed the individual's income and resources using the methodology described in paragraphs (C)(2) and (C)(3) of rule ~~5101:1-39-24~~ 5160:1-3-04.4 of the Administrative Code to determine if the individual should pay any patient liability and the individual agreed to make, and does make, any patient liability payment as it becomes due.

~~(B) Loss of medicaid financial eligibility: Only an individual who meets all the following criteria is eligible for the state-funded component of the PASSPORT program on the basis of losing medicaid financial eligibility:~~

~~(1) Financial criteria:~~

- ~~(a) The individual has had his or her enrollment in the medicaid-funded component of the PASSPORT program terminated due to the loss of medicaid financial eligibility, as determined by the CDJFS.~~
- ~~(b) ODA (or ODA's designee) has determined that the individual still needs~~

~~the home and community-based services he or she received under the medicaid-funded component of the PASSPORT program because it is temporarily necessary to protect the individual's health and safety until the individual transfers to other community-based long-term care services or to a nursing facility.~~

- ~~(2) Patient liability: ODA (or ODA's designee) assessed the individual's income and resources using the methodology described in paragraphs (C)(2) and (C)(3) of rule 5101:1-39-24 of the Administrative Code to determine if the individual should pay any patient liability and the individual agreed to make, and does make, any patient liability payment as it becomes due.~~

~~(C)(B)~~ Grandparented: Only an individual who meets all the following ~~criteria~~ requirements is eligible for the state-funded component of the PASSPORT program on the basis of a grandparented status:

- (1) The individual has been enrolled in the state-funded component of the PASSPORT program since September 1, 1991. (For the individual enrolled in the state-funded component of the PASSPORT program on this basis, the program was formerly known as the "PASSPORT state home care program" and the "PASSPORT grandparented home care program.")
- (2) Before the individual's initial enrollment in the state-funded component of the PASSPORT program, and at least once every twelve months of enrollment thereafter, the individual has applied for and was denied eligibility for either the medicaid-funded component of the PASSPORT program or the Ohio home care waiver program described in Chapter ~~5101:3-12~~ 5160-46 of the Administrative Code, and also one of the following:
  - (a) If the individual is at least sixty years of age, the individual has fully complied with the application and enrollment procedures for the medicaid-funded component of the PASSPORT program and was determined to be ineligible for the medicaid-funded component of the PASSPORT program. ODA ~~(or ODA's designee)~~ or its designee shall disenroll any such individual from the state-funded component of the PASSPORT program who is found to be eligible for enrollment in the medicaid-funded component of the PASSPORT program. An individual's failure or refusal to cooperate in providing either ODA ~~(or ODA's designee)~~ or its designee or a ~~CDJFS~~ an ODM administrative agency with the information and documentation necessary to establish the individual's eligibility for the medicaid-funded component of the PASSPORT program constitutes a failure to meet this eligibility ~~criterion~~ requirement; or,

- (b) If the individual is no older than fifty-nine years of age, the individual has fully complied with the application and enrollment procedures for Ohio home care waiver program and was determined to be ineligible for the Ohio home care waiver program. ODA ~~(or ODA's designee)~~ or its designee shall disenroll any individual from the state-funded component of the PASSPORT program who is found to be eligible for the Ohio home care waiver program. An individual's failure or refusal to cooperate in providing ~~ODJFS ODM~~ or a CDJFS ODM's administrative agency with the information and the documentation necessary to establish the individual's eligibility for the Ohio home care waiver program constitutes a failure to meet this eligibility ~~criterion~~ requirement.
- (3) ODA ~~(or ODA's designee)~~ or its designee and a physician have determined ~~that~~ the individual needs an intermediate level of care, ~~as defined in rule 5101:3-3-06 of the Administrative Code~~, or a skilled level of care, as both are defined in rule ~~5101:3-3-05~~ 5160-3-05 of the Administrative Code.
- (4) The individual is financially eligible for the state-funded component of the PASSPORT program based upon a documented inability of the individual to pay for nursing facility care without assistance from the medicaid program. ODA ~~(or ODA's designee)~~ or its designee shall only consider the individual's income and assets when determining the individual's financial eligibility for the state-funded component of the PASSPORT program. Countable income and assets are determined pursuant to rules ~~5101:1-38-01.6~~ 5160:1-2-03 and ~~5101:1-38-01.8~~ 5160:1-2-10 of the Administrative Code and the medicaid eligibility manual. ODA ~~(or ODA's designee)~~ or its designee shall calculate the inability to pay for nursing facility care in accordance with one of the following:
- (a) If the most recent period of continuous enrollment in the state-funded component of the PASSPORT program for the individual began before April 1, 1988, the individual shall ~~document that the individual~~ present ODA or its designee with documentation to verify he or she lacks eleven thousand, seven hundred, and nine dollars in income and assets available within a ninety-day period to pay for nursing facility care without assistance from the medicaid program; or,
- (b) If the most recent period of continuous enrollment in the state-funded component of the PASSPORT program for the individual began on or after April 1, 1988, the individual shall ~~document that the individual~~ present ODA or its designee with documentation to verify he or she lacks five thousand, eight hundred, fifty-four dollars, and fifty cents in

income and assets available within a forty-five day period to pay for nursing facility care without assistance from the medicaid program.

- (5) ODA ~~(or ODA's designee)~~ or its designee ~~that serves~~ serving the county of the individual's residence has approved a service plan for the individual that is signed by the individual's physician.
- (6) The individual's approved service plan indicates ~~that~~ the total projected cost of services counted in the service plan cost cap calculation is less than six thousand dollars for a six-month period.
- (7) The individual agrees to receive home and community-based services only from ODA-certified providers, and agrees to cooperate with ODA ~~(or ODA's designee)~~ or its designee in establishing and re-establishing eligibility for the medicaid-funded component of the PASSPORT program, the Ohio home care program, and/or the state-funded component of the PASSPORT program, when requested by ODA's designee,.
- (8) The individual's participation ~~of the individual~~ in the state-funded component of the PASSPORT program, as an alternative to admission to a nursing facility, does not present, in the professional judgment of ODA ~~(or ODA's designee)~~ or its designee, a threat to the individual's health and safety ~~of the individual~~.
- ~~(D) If, at any time, a consumer enrolled in the state-funded component of the PASSPORT program on the basis of presumptive eligibility no longer meets all the criteria under paragraph (A) of this rule, unless the only criterion the consumer no longer meets is the patient liability criterion listed in paragraph (A)(5) of the rule, the consumer is no longer eligible for the state-funded component of the PASSPORT program.~~
- ~~(E) If, at any time, a consumer enrolled in the state-funded component of the PASSPORT program on the basis of losing medicaid financial eligibility no longer meets all the criteria under paragraph (B) of this rule, unless the only criterion the consumer no longer meets is the patient liability criterion listed in paragraph (B)(2) of this rule, the consumer is no longer eligible for the state-funded component of the PASSPORT program.~~
- ~~(F)~~(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets all the ~~criteria~~ requirements under paragraph (A) of this rule may not participate in the state-funded component of the PASSPORT program for more than ninety days.
- ~~(G) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets all the criteria under paragraph (B) of this~~

~~rule may not participate in the state-funded component of the PASSPORT program for more than thirty days.~~

Effective: 02/01/2017

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CERTIFIED ELECTRONICALLY

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Certification

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Date

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