

173-40-03

**Disenrollment from the state-funded PASSPORT ~~grandparented home care~~ program.**

(A) Presumptive: For each consumer who is enrolled in the state-funded component of the PASSPORT program on the basis of paragraph (A) of rule 173-40-02 of the Administrative Code:

(1) Disenrollment: ODA's designee shall disenroll any consumer who no longer meets all the criteria under paragraph (A) of rule 173-40-02 of the Administrative Code.

(2) Appeals: ODA shall provide notice and an opportunity for a hearing in accordance with Chapter 119. of the Revised Code to any individual whose application for state-funded component of the PASSPORT program whose applications is denied, or whose participation in the state-funded component of the PASSPORT program is terminated before three months of enrollment has elapsed.

(3) Post-disenrollment prohibitions:

(a) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently re-enroll the consumer back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.

(b) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently enroll the consumer into the medicaid-funded component of the PASSPORT program until the CDJFS determines that the consumer meets the medicaid financial eligibility criteria and non-financial eligibility criteria under rule 5101:3-31-03 of the Administrative Code.

(c) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently enroll the consumer into the state-funded component of the assisted living program.

(B) Loss of medicaid financial eligibility: For each consumer who is enrolled in the state-funded component of the PASSPORT program on the basis of paragraph (B) of rule 173-40-02 of the Administrative Code:

(1) Disenrollment: ODA's designee shall disenroll any consumer who no longer meets all the criteria under paragraph (B) of rule 173-40-02 of the Administrative Code.

(2) Appeals: ODA shall provide notice and an opportunity for a hearing in

accordance with Chapter 119. of the Revised Code to any individual whose application for state-funded component of the PASSPORT program whose applications is denied, or whose participation in the state-funded component of the PASSPORT program is terminated before thirty days of enrollment has elapsed.

(3) Post-disenrollment prohibitions:

(a) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently re-enroll the consumer back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.

(b) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently enroll the consumer into the state-funded component of the assisted living program.

(C) Grandparented: For a consumer who is enrolled in the state-funded component of the PASSPORT program on the basis of paragraph (C) of rule 173-40-02 of the Administrative Code:

(1) Reassessment:

~~(A)~~(a) Whenever the PAA conducts a re-assessment of ODA's designee reassesses the condition and service needs of a consumer enrolled in the PASSPORT grandparented home care program, the PAA staff ODA's designee shall verify whether if the consumer continues to meet all eligibility criteria specified in under paragraph (C) of rule 173-40-02 of the Administrative Code.

~~(B)~~(b) The PAA ODA's designee shall re-assess reassess each consumers consumer enrolled in the PASSPORT grandparented eligibility home care program to assess the consumer's condition and service needs at least once every twelve months or at any time the consumer's condition or service needs change substantially.

~~(C)~~(c) At least once every six months the PAA ODA's designee shall develop and implement a revised plan of care service plan for every PASSPORT grandparented home care each consumer who so long as the consumer continues to meet all the eligibility criteria under paragraph (C) of rule 173-40-02 of the Administrative Code.

~~(D)~~(d) The PAA If a consumer does not continue to meet all the eligibility

criteria under paragraph (C) of rule 173-40-02 of the Administrative Code, ODA's designee shall provide any grandparented the consumer who fails to meet all the eligibility criteria in rule 173-40-02 of the Administrative Code with a written notice of intent to disenroll the consumer from the state-funded component of the PASSPORT grandparented home care program.

~~(E)(2)~~ Disenrollment from PASSPORT grandparented home care program:

~~(1)(a)~~ The PAA ODA's designee may propose that any consumer in the state-funded component of the PASSPORT grandparented home care program be disenrolled based upon any of the following:

~~(a)(i)~~ The consumer's failure consumer does not continue to meet all the eligibility criteria set forth by under paragraph (C) of rule 173-40-02 of the Administrative Code;

~~(b)(ii)~~ The consumer's permanent relocation; or,

~~(c)(iii)~~ The consumer's death.

~~(2)(b)~~ When a grandparented consumer's services are suspended for any reason for sixty calendar days, the PAA ODA's designee shall provide the consumer (or the consumer's authorized representative, if any), with notice of disenrollment from the state-funded component of the PASSPORT grandparented home care program.

~~(3)(c)~~ Suspensions which ultimately result in disenrollment shall have a disenrollment date that is retroactive to the first day of the suspension of services.

~~(F)(3)~~ Appeals: Any consumer enrolled in the grandparented home care program may appeal a reduction in, suspension of, or disenrollment from the services received as an enrollee a consumer as follows:

~~(1)(a)~~ The PAA ODA's designee shall explain any proposed reduction, suspension, or disenrollment action to the consumer directly affected (or to the consumer's authorized representative, if any). The PAA ODA's designee shall provide the explanation in writing and, when feasible, orally as well, at least fifteen calendar days prior to before the effective date of the proposed action. The PAA ODA's designee shall include in the written explanation an outline of the appeals process

provided under this rule.

- (2)(b) ~~Any~~ The consumer (or the consumer's authorized representative of an enrollee, if any) who wishes to appeal a proposed PAA reduction in home and community-based services through the state-funded component of the PASSPORT program, or the suspension of, or disenrollment from, the state-funded component of the PASSPORT grandparented home care services program received by the consumer shall provide ~~the PAA~~ ODA's designee with written notice of his intent to appeal no ~~less~~ more than fifteen calendar days after the mailing date appearing on the PAA notice of the proposed action.
- (3)(c) ~~Whenever~~ If a written notice of intent to appeal has been properly received, ~~the PAA~~ ODA's designee shall continue the consumer's current ~~plan of care~~ service plan pending the outcome of the appeal process.
- (4)(d) No more than five working days after the date upon which ~~the PAA~~ ODA's designee receives a timely written notice of appeal, ~~the PAA~~ ODA's designee shall schedule an informal fact-finding meeting with the consumer (and/or the consumer's authorized representative, if any). ~~The PAA~~ ODA's designee shall notify the consumer (and/or the consumer's authorized representative, if any) of the date, time, and place of the meeting. ~~The PAA~~ ODA's designee shall conduct the fact-finding meeting no more than ten working days after the date on which ~~the PAA~~ ODA's designee received the written notice of the intent to appeal.
- (5)(e) ~~The~~ ODA's designee's PASSPORT site director (or the site director's designee) shall chair the informal fact-finding meeting and shall attempt to reach agreement between the consumer (and/or the consumer's authorized representative, if any) and any of ODA's designee's PAA staff who are relevant to the consumer's situation. The PASSPORT site director shall issue a written summary of the meeting to the consumer (and/or the consumer's authorized representative, if any), ~~within~~ in fewer than five working days ~~from~~ after the date of the meeting.
- (6)(f) ~~Should~~ If the consumer (or the consumer's authorized representative, if any) ~~wish~~ wishes to continue the appeal of the proposed action, ~~he~~ the consumer shall notify the director of ODA in writing no more than fifteen working days after the mailing date on the PASSPORT site director's written summary.

~~(7)~~(g) No more than five working days after receiving a notice of intent to continue the appeal process, ODA shall schedule a formal appeal hearing and shall notify ~~the PAA~~ ODA's designee and the consumer (and/or the consumer's authorized representative, if any) of the date, time, and place of the appeal hearing. ODA shall hold the appeal hearing no more than ten working days after the date that ODA received the request to continue the appeal, unless otherwise agreed to by the parties involved.

~~(8)~~(h) Upon notice of appeal to ODA, ~~the PAA~~ ODA's designee shall immediately forward a copy of the written summary of the informal fact-finding meeting and any supporting documentation to ODA.

~~(9)~~(i) An independent hearing officer who has been retained by ODA at ODA's expense shall conduct the ODA appeal hearing. ~~Whenever~~ If possible, the hearing officer shall conduct the hearing in the consumer's home.

~~(a)~~(i) Any advocate or legal representative of the consumer's choosing may accompany the consumer (or the consumer's authorized representative, if the consumer has a representative any). Any of ODA's designee's relevant ~~PAA~~ staff may represent ~~the PAA ODA's designee~~.

~~(b)~~(ii) The independent hearing officer shall incorporate the following elements when conducting the appeal hearing:

~~(i)~~(a) The hearing officer shall record the proceedings and any participant may record the proceedings;

~~(ii)~~(b) When convening the hearing, the hearing officer shall announce his name, his title, the date, the time, the location of the hearing, the appellant's name, ~~the PAA(s)~~ any of ODA's designees affected and present at the hearing, and the stated action being appealed;

~~(iii)~~(c) The hearing officer shall outline the process through which the consumer (or the consumer's authorized representative, if any), ~~the PAA~~ ODA's designee, and any other relevant participant may introduce verbal and/or written evidence;

~~(iv)~~(d) The hearing officer may adjourn the appeal hearing at any

time the participants become too disruptive to conduct a fair hearing, or at any time after all parties have been heard and the hearing officer determines that sufficient evidence exists to render a fair and appropriate recommendation.

~~(10)~~(j) The independent hearing officer shall issue a written recommendation to the director of ODA. The recommendation shall either uphold ~~the PAA ODA's designee's~~ action being appealed or shall recommend that the action be amended. The director of ODA shall issue a final decision on the matter no more than thirty days after the date upon which the hearing was held and shall inform the complainant and ~~the PAA ODA's designee~~ of the director's decision by certified mail. The director's decision shall be binding upon ~~the PAA ODA's designee~~. Whenever the decision is to resume, increase, or reduce ~~PASSPORT~~ home care and community-based services through the state-funded component of the PASSPORT program, ~~the PAA ODA's designee~~ shall implement the decision upon receipt of the director's decision.

~~(G)~~(4) Further appeals: ~~Should a~~ If a consumer (or the consumer's authorized representative, if any) ~~wish~~ wishes to contest the decision of the director of ODA, the consumer (or the consumer's authorized representative, if any) may pursue the complaint in a court of common pleas.

(5) Post-disenrollment prohibitions:

(a) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently re-enroll the consumer back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.

(b) After ODA's designee disenrolls a consumer from the state-funded component of the PASSPORT program, ODA's designee shall not subsequently enroll the consumer into the state-funded component of the assisted living program.

Replaces: 173-40-04  
Effective: 09/29/2011  
R.C. 119.032 review dates: 07/13/2011 and 09/29/2016

CERTIFIED ELECTRONICALLY

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Certification

09/19/2011

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Date

Promulgated Under: 111.15  
Statutory Authority: 173.01, 173.02, 173.40  
Rule Amplifies: 173.40  
Prior Effective Dates: 06/11/1991 (Emer.), 09/13/1991, 11/09/1998,  
04/17/2003, 01/01/2008