

173-40-03

PASSPORT program (state-funded component): individual disenrollment and other actions.

(A) Presumptive: For each individual 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 or its designee shall disenroll any individual who no longer meets all requirements under paragraph (A) of rule 173-40-02 of the Administrative Code unless the only requirement the individual no longer meets is the PETI (i.e., patient-liability or share of cost) requirement listed in paragraph (A)(5) of that rule, ~~or during a state of emergency declared by the governor, or during a federal public health emergency if federal financial participation pays for all of the individual's services.~~

~~(2) No appeals: ODA or its designee shall not provide the individual with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code if ODA or its designee disenrolls the individual for either or both of the following reasons:~~

~~(a) The individual has been enrolled in the state-funded component of the PASSPORT program under the requirements of paragraph (A) of rule 173-40-02 of the Administrative Code for the maximum enrollment period of ninety days, unless ODA's director approves an extended number of days.~~

~~(b) The individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the requirements of paragraph (A) of rule 173-40-02 of the Administrative Code before reaching the maximum enrollment period of ninety days, unless ODA's director approves an extended number of days.~~

~~(3)~~(2) Post-disenrollment prohibitions, limitations: After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, the following limits apply:

~~(a) After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently re-enroll the individual back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.~~
The individual is not eligible to re-enroll the individual back

~~(b) After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee shall not~~

~~subsequently~~ The individual is not eligible to enroll the individual into the medicaid-funded component of the PASSPORT program until ODM's administrative agency determines the individual meets all medicaid financial eligibility requirements and ODA or its designee determines the individual meets all non-financial eligibility requirements under rule 5160-31-03 of the Administrative Code.

- (c) ~~After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee shall not~~ subsequently The individual is not eligible to enroll the individual into the state-funded component of the assisted living program.

~~(4) Appeals:~~

- (a) ~~ODA or its designee shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA or its designee proposes any one or more of the following:~~

~~(i) To deny the individual's enrollment into the state-funded component of the PASSPORT program under the requirements of paragraph (A) of rule 173-40-02 of the Administrative Code.~~

~~(ii) To require the individual to pay a specified PETI (i.e., patient-liability amount or share of cost) each month.~~

~~(iii) To change the services the individual receives through the program.~~

~~(iv) To disenroll the individual from the program before the individual reaches the maximum enrollment period of ninety days, unless the individual voluntarily disenrolls from the program.~~

- ~~(b) On form ODA1117, ODA or its designee shall provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with Chapter 119. of the Revised Code. ODA or its designee shall also print a mailing date on the form.~~

- ~~(c) If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual shall request a hearing. To request a hearing, the individual shall sign form ODA1117 and mail the signed form to ODA, addressed as follows:~~

~~"Director~~

~~Ohio Dept. of Aging~~

246 N. High St., 1st Floor

Columbus, OH 43215"

~~(d) In order for ODA to accept the request for a hearing, ODA shall have received the original signed form ODA1117 in its office before five p.m. on or before the thirtieth day after ODA or its designee mailed form ODA1117 to the individual. If ODA does not receive the original signed form on or before the thirtieth day, ODA shall proceed with a final order containing findings.~~

(B) Grandparented: For an individual 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) Reassessment: ODA or its designee shall do all of the following:

- (a) ~~Whenever ODA or its designee reassesses the condition and service needs of the individual, ODA or its designee shall verify~~ Verify if the individual continues to meet all eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code whenever ODA or its designee reassesses the condition and service needs of the individual.
- (b) ~~ODA or its designee shall reassess~~ Reassess the individual to assess the individual's condition and service needs at least once every twelve months or at any time the individual's condition or service needs change substantially.
- (c) ~~At least once every six months ODA or its designee shall develop~~ Develop and implement a revised person-centered services plan for the individual at least once every six months so long as the individual continues to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code.
- (d) ~~If the individual does not continue to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code, ODA or its designee shall provide~~ Notify the individual with a written notice of its intent to disenroll the individual from the state-funded component of the PASSPORT program if the individual does not continue to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code.

(2) Disenrollment:

- (a) ODA or its designee may propose to disenroll an individual from the state-funded component of the PASSPORT program for any one or more of the following:
 - (i) The individual does not continue to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code.
 - (ii) The individual's permanent relocation.
 - (iii) The individual's death.
- (b) When the individual's services are suspended for any reason for sixty calendar days, ODA or its designee shall provide the individual (or the individual's authorized representative, if any) with notice of disenrollment from the state-funded component of the PASSPORT program.
- (c) Suspensions which ultimately result in disenrollment ~~shall~~ have a disenrollment date ~~that~~ which is retroactive to the first day of the suspension of services.
- ~~(3) No appeals: ODA or its designee shall not provide the individual with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code if ODA or its designee disenrolls an individual if the individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the requirements of paragraph (B) of rule 173-40-02 of the Administrative Code.~~
- ~~(4)~~(3) Post-disenrollment prohibitions, limitations: After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, the following limits apply:
 - ~~(a) After ODA or its designee disenrolls the individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently~~ The individual is not eligible to re-enroll the individual back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.
 - ~~(b) After ODA or its designee disenrolls the individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently~~ The individual is not eligible to enroll the individual into the state-funded component of the assisted living program.

~~(5) Appeals:~~

~~(a) ODA or its designee shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA or its designee proposes any one or more of the following:~~

~~(i) To deny the individual's enrollment into the state-funded component of the PASSPORT program under the requirements of paragraph (B) of rule 173-40-02 of the Administrative Code.~~

~~(ii) To require the individual to pay a specified patient-liability amount each month.~~

~~(iii) To change the services the individual receives through the program.~~

~~(b) On form ODA1117, ODA or its designee shall provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with Chapter 119. of the Revised Code. ODA or its designee shall also print a mailing date on the form.~~

~~(c) If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual shall request a hearing. To request a hearing, the individual shall sign form ODA1117 and mail the signed form to ODA, addressed as follows:~~

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~~(d) In order for ODA to accept the request for a hearing, ODA shall have received the original signed form ODA1117 in its office before five p.m. on or before the thirtieth day after ODA or its designee mailed form ODA1117 to the individual. If ODA does not receive the original signed form on or before the thirtieth day, ODA shall proceed with a final order containing findings.~~

(C) Appeals: An eligible individual may appeal a decision made under this rule pursuant to section 173.523 of the Revised Code. The individual's appeal is timely only if the request for a hearing is received by ODA within thirty days of the date in which ODA mailed the notice of opportunity for hearing.

Effective: 6/30/2022
Five Year Review (FYR) Dates: 11/30/2021 and 06/30/2027

CERTIFIED ELECTRONICALLY

Certification

06/13/2022

Date

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