

173-40-03

PASSPORT program (state-funded component): individual enrollment, Disenrollment disenrollment, and other adverse actions regarding the state-funded PASSPORT program.

(A) Presumptive: For each ~~consumer~~ individual 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 (~~or ODA's designee~~) or its designee shall disenroll any ~~consumer~~ individual who no longer meets all the ~~criteria~~ requirements under paragraph (A) of rule 173-40-02 of the Administrative Code unless the only ~~criteria~~ requirement the ~~consumer~~ individual no longer meets is the patient-liability ~~criteria~~ requirement listed in paragraph (A)(5) of the rule.

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

(a) The ~~consumer~~ individual has been enrolled in the state-funded component of the PASSPORT program under the ~~criteria~~ requirements of paragraph (A) of rule 173-40-02 of the Administrative Code for the maximum enrollment period of ninety days; ~~or,~~

(b) The ~~consumer~~ individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the ~~criteria~~ requirements of paragraph (A) of rule 173-40-02 of the Administrative Code before reaching the maximum enrollment period of ninety days.

(3) Post-disenrollment prohibitions:

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

(b) After ODA (~~or ODA's designee~~) or its designee disenrolls ~~a consumer an~~ individual from the state-funded component of the PASSPORT program, ODA (~~or ODA's designee~~) or its designee shall not subsequently enroll the ~~consumer~~ individual into the medicaid-funded component of the PASSPORT program until ~~the CDJFS~~ ODM's

administrative agency determines ~~that the consumer individual~~ meets the medicaid financial eligibility criteria requirements and ODA (~~or ODA's designee~~) or its designee determines ~~that the consumer individual~~ meets the non-financial eligibility criteria requirements under rule ~~5101:3-31-03~~ 5160-31-03 of the Administrative Code.

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

(4) Appeals:

- (a) ODA (~~or ODA's designee~~) or its designee shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA (~~or ODA's designee~~) 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 criteria requirements of paragraph (A) of rule 173-40-02 of the Administrative Code~~;~~₂
 - (ii) To require the ~~consumer individual~~ to pay a specified patient-liability amount each month~~;~~₂
 - (iii) To change the services the ~~consumer individual~~ receives through the program~~;~~_{or,}₂
 - (iv) To disenroll the ~~consumer individual~~ from the program before the ~~consumer individual~~ reaches the maximum enrollment period of ninety days, unless the ~~consumer individual~~ voluntarily disenrolls from the program.
- (b) On form ODA1117, ODA (~~or ODA's designee~~) 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 ODA's designee~~) or its designee shall also print a mailing date on the form.
- (c) If an individual wishes to appeal ODA's (~~or ODA's designee'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

~~50 W. Broad St., 9th Floor~~ 246 N. High St., 1st Floor

Columbus, OH 43215"

- (d) In order for ODA to accept the request for a hearing, ODA ~~must receive~~ shall have received the original signed form ODA1117 in its office before five p.m. on or before the thirtieth day after ODA ~~(or ODA's designee)~~ 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 ~~will~~ shall proceed with a final order ~~that contains~~ containing findings.

~~(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 (or 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 unless the only criterion the consumer no longer meets is the patient liability criterion listed in paragraph (B)(3) of the rule.~~

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

~~(a) The consumer has been enrolled in the state-funded component of the PASSPORT program under the criteria of paragraph (B) of rule 173-40-02 of the Administrative Code for the maximum enrollment period of ninety days; or,~~

~~(b) The consumer voluntarily disenrolled from the state-funded component of the PASSPORT program under the criteria of paragraph (B) of rule 173-40-02 of the Administrative Code before reaching the maximum enrollment period of ninety days.~~

~~(3) Post-disenrollment prohibitions:~~

~~(a) After ODA (or ODA's designee) disenrolls a consumer from the~~

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

~~(4) Appeals:~~

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

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

~~(ii) To require the consumer to pay a specified patient liability amount each month;~~

~~(iii) To change the services the consumer receives through the program;
or,~~

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

- ~~(b) On form ODA1117, ODA (or ODA's 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 ODA's designee) shall also print a mailing date on the form.~~

- ~~(c) If an individual wishes to appeal ODA's (or ODA's 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~~

~~50 W. Broad St., 9th Floor~~

Columbus, OH 43215"

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

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

(1) Reassessment:

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

(2) Disenrollment:

- (a) ODA ~~(or ODA's designee)~~ or its designee may propose ~~that any consumer~~

to disenroll an individual in from the state-funded component of the PASSPORT program ~~be disenrolled based upon~~ for any one or more of the following:

- (i) The ~~consumer~~ individual does not continue to meet all the eligibility ~~criteria~~ requirements under paragraph ~~(C)~~ (B) of rule 173-40-02 of the Administrative Code;
 - (ii) The ~~consumer's~~ individual's permanent relocation; ~~or,~~
 - (iii) The ~~consumer's~~ individual's death.
- (b) When ~~a consumer's~~ the individual's services are suspended for any reason for sixty calendar days, ODA ~~(or ODA's designee)~~ or its designee shall provide the ~~consumer~~ individual (or the ~~consumer's~~ 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 is retroactive to the first day of the suspension of services.
- (3) No appeals: ODA ~~(or ODA's designee)~~ or its designee shall not provide the ~~consumer~~ individual with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code if ODA ~~(or ODA's designee)~~ or its designee disenrolls ~~a consumer~~ an individual if the ~~consumer~~ individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the ~~criteria~~ requirements of paragraph ~~(C)~~ (B) of rule 173-40-02 of the Administrative Code.
- (4) Post-disenrollment prohibitions:
- (a) After ODA ~~(or ODA's designee)~~ or its designee disenrolls ~~a consumer~~ the individual from the state-funded component of the PASSPORT program, ODA ~~(or ODA's designee)~~ or its designee shall not subsequently re-enroll the ~~consumer~~ individual back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.
 - (b) After ODA ~~(or ODA's designee)~~ or its designee disenrolls ~~a consumer~~ the individual from the state-funded component of the PASSPORT program, ODA ~~(or ODA's designee)~~ or its designee shall not

subsequently enroll the ~~consumer~~ individual into the state-funded component of the assisted living program.

(5) Appeals:

(a) ODA (~~or ODA's designee~~) or its designee shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA (~~or ODA's designee~~) 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 criteria requirements of paragraph ~~(C)~~ (B) of rule 173-40-02 of the Administrative Code;

(ii) To require the ~~consumer~~ individual to pay a specified patient-liability amount each month; ~~or,~~

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

(b) On form ODA1117, ODA (~~or ODA's designee~~) 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 ODA's designee~~) or its designee shall also print a mailing date on the form.

(c) If an individual wishes to appeal ODA's (~~or ODA's designee'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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ODA does not receive the original signed form on or before the thirtieth day, ODA ~~will~~ shall proceed with a final order ~~that contains~~ containing findings.

Effective: 02/01/2017

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Certification

01/17/2017

Date

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