

173-51-03

**Assisted living program (state-funded component):
disenrollment and other adverse actions.**

(A) Disenrollment: ODA or its designee shall disenroll an individual enrolled in the state-funded component of the assisted living program under any one or more of the following situations:

- (1) The individual no longer meets all requirements under rule 173-51-02 of the Administrative Code, unless the only requirement the individual no longer meets is the PETI requirement listed in paragraph (A)(5) of that rule, 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) ODM's administrative agency determined the individual meets all medicaid financial eligibility requirements under rules 5160:1-2-03 and 5160:1-2-10 of the Administrative Code. (If an individual meets all requirements for the medicaid-funded component of the assisted living program, the individual would be enrolled into the medicaid-funded component of the program and no longer remain in the state-funded component.)
- (3) ODM's administrative agency determined the individual does not meet all financial eligibility requirements under rules 5160:1-2-03 and 5160:1-2-10 of the Administrative Code.
- (4) The individual has been enrolled in the state-funded component of the assisted living program for the maximum enrollment period of ninety days, unless ODA's director approved an extended number of days.
- (5) The individual voluntarily disenrolls from the state-funded component of the assisted living program before reaching the maximum enrollment period of ninety days, unless ODA's director approved an extended number of days.

(B) Post-disenrollment limitations: After ODA or its designee disenrolls an individual from the state-funded component of the assisted living program, the following limits apply:

- (1) The individual is not eligible to re-enroll into the state-funded component of the assisted living program.
- (2) The individual is not eligible to enroll the individual into the medicaid-funded component of the assisted living 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 in rule 5160-33-03 of the Administrative Code.

- (3) The individual is not eligible to enroll the individual into the state-funded component of the PASSPORT program.
- (C) Appeals: An eligible individual may appeal a decision made under this rule pursuant to section 173.545 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~~ after the date in which ODA mailed the notice of opportunity for hearing.

Effective: 2/1/2023

Five Year Review (FYR) Dates: 10/27/2022 and 02/01/2028

CERTIFIED ELECTRONICALLY

Certification

01/05/2023

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Rule Amplifies: 173.543

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