

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 or during a state of emergency declared by the governor or a federal public health emergency.
- (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 ~~approves~~ 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) No appeals: ODA or its designee shall not provide the individual an opportunity for a hearing in accordance with Chapter ~~449~~ 119 of the Revised Code if ODA or its designee disenrolls an individual for either of the following reasons:

- (1) 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.
- (2) The individual voluntarily disenrolled from the state-funded component of the assisted living program.

(C) Post-disenrollment prohibitions:

- (1) After ODA or its designee disenrolls an individual from the state-funded component of the assisted living program, ODA or its designee shall not subsequently re-enroll the individual back into the state-funded component of the assisted living program.
- (2) After ODA (or its designee) disenrolls an individual from the state-funded component of the assisted living program, ODA or its designee shall not subsequently 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) After ODA or its designee disenrolls an individual from the state-funded component of the assisted living program, ODA or its designee shall not subsequently enroll the individual into the state-funded component of the PASSPORT program.

(D) Appeals:

- (1) 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 of the following:
 - (a) To deny the individual's enrollment into the state-funded component of the assisted living program;
 - (b) To require the individual to pay a specified PETI each month;
 - (c) To change the services the individual receives through the program; or,
 - (d) To disenroll the individual from the program before the individual reaches the maximum enrollment period of ninety days (or, if an extension is approved by ODA's director, before the individual reached the extended maximum enrollment period), unless the individual voluntarily disenrolls from the program.
- (2) 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 according to Chapter ~~449~~-119 of the Revised Code.
- (3) 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-send~~ the signed form to ODA, ~~addressed as follows:~~ at the address listed on the form.

~~"Director~~

~~Ohio Dept. of Aging~~

~~246 N. High St., 1st Floor~~

~~Columbus, OH 43215"~~

- (4) In order for ODA to accept the request for a hearing, ODA must receive the original signed form ODA1117 in fewer than thirty days after ~~the mailing date listed on the notice~~ ODA notified the individual. If ODA does not receive the original signed form in fewer than thirty days after ~~the mailing date listed on the notice~~ ODA notified the individual, ODA shall ~~issue~~ proceed with a final order of adjudication ~~adopting the allegations contained in the original notice containing findings.~~

Effective:

Five Year Review (FYR) Dates: 11/30/2021

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 121.07, 173.01, 173.02, 173.543
Rule Amplifies: 173.543
Prior Effective Dates: 09/29/2011, 09/10/2012, 11/01/2018, 12/31/2020