

5101:1-38-01.7 **Medicaid: assisting individuals unable to access verifications due to a physical or mental impairment.**

(A) The purpose of this rule is to establish the procedures the administrative agency must follow when processing an application for medical assistance for an individual unable to access verifications or means of self-support due to a physical or mental impairment, in order to prevent any physical or mental disability from negatively impacting the eligibility determination process. This rule applies to all medical assistance programs administered by the Ohio department of job and family services.

(B) Definitions.

- (1) "Administrative agency" means the county department of job and family services, the Ohio department of job and family services, or other entity determining eligibility for a medical assistance program.
- (2) "Durable power of attorney" means power of attorney established in accordance with section 1337.09 of the Revised Code.
- (3) "Guardian" means any person, association, or corporation appointed by the probate court to have responsibility for the care and management of an incompetent individual and/or their assets under Title XXI of the Revised Code.
- (4) "Individual" means an applicant for or recipient of a medical assistance program.
- (5) "Means of self-support" means all countable income, assets and resources attributable to the individual.

(C) Administrative agency responsibilities.

- (1) For an individual having a physical or mental impairment substantially limiting the individual's ability to access verifications or access a known means of self-support, and who has not granted any person with durable power of attorney, and who does not have a court-appointed guardian or a person with other legal authority and obligation to act on behalf of the individual, the administrative agency shall:
 - (a) Determine eligibility in accordance with Chapters 5101:1-37 to 5101:1-42 of the Administrative Code, but without considering eligibility factors for which verification cannot be obtained or means of self-support that cannot be accessed because of the physical or mental impairment.
 - (b) Determine if another person is available to assist in obtaining verifications or accessing the individual's means of self-support, and, if such a person is available, request the person assist in obtaining the

verifications or accessing the individual's means of self-support. If verifications are provided, or if means of self-support are accessed by the individual or on the individual's behalf by another person, the administrative agency shall consider those factors in the eligibility determination process.

(c) If no person is available to assist the individual, refer the individual's case to the administrative agency's legal counsel and request counsel evaluate whether the matter should be referred to the probate court, adult protective services, or another entity deemed by the administrative agency's legal counsel to be appropriate. For cases referred to counsel for such evaluation, the administrative agency shall also:

(i) Note in the individual's case record that verifications or means of self-support are not available and shall not be considered a disqualifying factor until a means of access to those items is obtained or established, and

(ii) Inform the administrative agency's legal counsel of any eligibility approval or denial.

(d) Redetermine the individual's eligibility:

(i) If a means of access to verifications or means of self-support is obtained or established, or

(ii) During the next regularly-scheduled redetermination using the best evidence available, whichever occurs sooner.

(2) The administrative agency shall not delay the eligibility determination if a case is referred to the administrative agency's legal counsel, adult protective services, or another entity deemed by the administrative agency's legal counsel to be appropriate. Instead, the administrative agency shall complete the eligibility determination using the best evidence available.

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Certification

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Date

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