

5101:2-44-05.1 **Covered families and children (CFC) medicaid eligibility: special needs children.**

(A) An adoptive child in receipt of a JFS 01615 "Approval for State Adoption Subsidy," can be eligible for covered families and children (CFC) medicaid based only upon the child's income, resources, and special needs for medical, mental health, or rehabilitative care.

(B) In order for an adoptive child to be considered a special needs child for medical, mental health, or rehabilitative care, the public children services agency (PCSA) responsible for determining state adoption subsidy program eligibility must determine that, at the time of adoptive placement, the child has a medical necessity as defined in rule 5101:3-1-01 of the Administrative Code. The medical necessity includes at least one of the following needs or circumstances that may be a barrier to the adoptive placement without medical assistance because the child:

(1) Has a medical condition, physical impairment, mental retardation, or developmental disability;

(2) Has been diagnosed with a mental disorder as characterized by a behavioral, psychological, or biological dysfunction; or,

(3) Has been diagnosed with a substance-related disorder.

(C) Eligibility criteria:

(1) For any such child for whom the approval for state adoption subsidy was entered into before April 7, 1986, CFC medicaid eligibility is contingent upon the following:

(a) A determination by the PCSA administering the agreement that the child's state adoption subsidy case record contains sufficient documentation that at the time of adoptive placement the child had special needs for medical or rehabilitative care that made the child difficult to place; and,

(b) A finding by the county department of job and family services (CDJFS) in the child's county of residence that the child was eligible for medicaid prior to the approval for state adoption subsidy being entered into.

(2) For any such child for whom the approval for state adoption subsidy was entered into between April 7, 1986 and June 30, 2004, CFC medicaid eligibility is contingent upon the following:

(a) A determination by the PCSA administering the agreement, that the child's state adoption subsidy case record contains sufficient documentation that the child cannot be placed with the adoptive parents or parent without medical assistance because of the child's special needs for medical or rehabilitative care; and,

- (b) A finding by the CDJFS of the child's residence that either the child was eligible for medicaid prior to the approval for state adoption subsidy being entered into; or that the child would have been eligible for medicaid, based on the child's income, during any of the six months prior to the approval for state adoption subsidy being entered into.
- (3) For any such child for whom a JFS 01615 "Approval for State Adoption Subsidy" was entered into on or after July 1, 2004, CFC medicaid eligibility is contingent upon all of the following:
- (a) A finding by the PCSA administering the agreement that the child has a medical necessity as outlined in paragraph (B) of this rule which makes the child a special needs child for medical, mental health, or rehabilitative care as documented on the JFS 01449 "Determination of Special Needs for Medical, Mental Health, or Rehabilitative Care;"
- (b) The adoptive parent or parents are eligible for a state adoption maintenance subsidy under division (B) of section 5153.163 of the Revised Code; and,
- (c) The financial eligibility determined by the CDJFS set forth in rule 5101:1-40-03 of the Administrative Code.

(D) CDJFS duties:

- (1) Upon filing by an adoptive parent of a completed JFS 07216 "Combined Programs Application," with supporting JFS 01449 and JFS 01615, the CDJFS shall determine whether the adoptive child meets the eligibility criteria described in rule 5101:1-40-03 of the Administrative Code.
- (2) Notice of the CDJFS decision on medicaid eligibility shall be provided in accordance with division level designation 5101:6 and Chapter 5101:1-38 of the Administrative Code. In addition, the CDJFS shall send a copy to the PCSA of the notice of medicaid approval sent to any adoptive parent who meets the criteria set forth in rule 5101:1-40-03 of the Administrative Code.

Replaces: 5101:2-44-05.1

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5111.01, 5111.011
Rule Amplifies: 5111.01, 5111.011, 5101.141
Prior Effective Dates: 4/1/1990 (Emer.), 6/1/90,
3/18/99.