

5101:3-33-04

**Enrollment process for assisted living HCBS waiver program.**

- (A) In order to be enrolled in the assisted living HCBS waiver, individuals must be receiving medical assistance either in a nursing facility or be enrolled in the preadmission screening system providing options and resources today (PASSPORT) HCBS waiver or the choices HCBS waiver or the Ohio home care HCBS waiver or the "Transitions Carve Out" HCBS waiver or be a resident of a residential care facility (RCF), who has resided in a an RCF for at least six months immediately before the date the individual applies for the assisted living HCBS waiver.
- (B) Individuals who wish to enroll in the assisted living HCBS waiver must have an ~~financial~~ eligibility determination made by the county department of job and family services (CDJFS) and an assessment of assisted living HCBS waiver eligibility made by the PASSPORT administering agency (PAA). The individual may contact either the CDJFS or the PAA to start the enrollment process, and the two agencies shall coordinate processing the request for enrollment into the assisted living services HCBS waiver program:
- (1) Individuals initially contacting the CDJFS will complete the JFS 07200 "Request for Cash, Food Stamps, and Medical Assistance" (rev. 10/06 ~~5/05~~) and the JFS 02399 "Request for Medicaid Home and Community Based Services" (rev. 6/04) in accordance with rule 5101:1-38-01.2 of the Administrative Code. The CDJFS will notify the PAA of the individual's application for waiver services. The PAA will initiate contact with the individual to complete the enrollment process.
  - (2) Individuals initially contacting the PAA will receive an in-person assessment to determine eligibility for the assisted living HCBS waiver program. If the individual has not already initiated an application for medicaid or waiver eligibility as described in paragraph (C)(1) of this rule, the PAA may assist the individual.
- (C) Using the procedures outlined in rule ~~173-38-01~~ 173-38-03 of the Administrative Code, the PAA shall offer enrollment to the individual if the individual has been determined eligible and a waiver slot is available. If a waiting list is employed, waiver slots shall be made available in accordance with rule ~~173-38-01~~ 173-38-03 of the Administrative Code.
- (D) The PAA shall make the determination of assisted living HCBS waiver eligibility for the individual using the criteria set forth in rule 5101:3-33-03 of the Administrative Code. The PAA shall notify the CDJFS of the results of the assisted living HCBS waiver eligibility determination.
- (E) Pursuant to rule 5101:1-38-01.6 of the Administrative Code, if a consumer is

determined eligible for medicaid by the CDJFS, the consumer shall not enroll in the assisted living HCBS waiver program until the PAA establishes a waiver program enrollment date and authorizes the provision of waiver services by an ODA certified RCF. The assisted living services HCBS waiver program enrollment date cannot be made retroactive, nor can the enrollment date be established to authorize assisted living waiver program services retroactively. The waiver program enrollment date shall in no way restrict retroactive eligibility for non-assisted living waiver services available to consumers through the medicaid state plan.

~~(E)~~(F) Any applicant for assisted living services HCBS waiver program services is entitled to notice and hearing rights as set forth in section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

Effective: 09/19/2009

R.C. 119.032 review dates: 03/01/2013

CERTIFIED ELECTRONICALLY

---

Certification

09/09/2009

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5111.85, 5111.89  
Rule Amplifies: 5111.85, 5111.89  
Prior Effective Dates: 7/01/2006, 03/22/08