

5101:3-46-02

**Ohio home care waiver: consumer eligibility for enrollment.**

(A) For the purposes of this rule,

- (1) "Applicant" has the same meaning as set forth in rule 5101:3-45-01 of the Administrative Code; and
- (2) "Consumer" has the same meaning as set forth in rule 5101:3-45-01 of the Administrative Code.

(B) To be eligible for Ohio home care waiver enrollment, an applicant must:

- (1) Be determined eligible for Ohio medicaid in accordance with rules 5101:1-38-01.6 and 5101:1-39-95 of the Administrative Code; and
- (2) Be determined program eligible for the Ohio home care waiver by meeting the following requirements:
  - (a) Participate in the assessment process as defined in rule 5101:3-45-01 of the Administrative Code;
  - (b) Be age zero through fifty-nine with either an intermediate level of care in accordance with rule 5101:3-3-06 of the Administrative Code or a skilled level of care in accordance with rule 5101:3-3-05 of the Administrative Code;
  - (c) Need services that are not available through other sources in amounts sufficient to meet the applicant's needs;
  - (d) Not reside in an institution, residential care facility, adult foster home or other group living arrangement subject to state licensure or certification;
  - (e) In the absence of the Ohio home care waiver, require nursing facility (NF) placement or long term hospitalization;
  - (f) Elect to receive Ohio home care waiver services instead of institutional services and sign a JFS 02379 agency-consumer agreement prior to enrollment;
  - (g) Be assigned a potential slot for enrollment in the Ohio home care waiver;
  - (h) Participate in the development of an all services plan;
  - (i) Be able to have the services identified in the all services plan met within the funding range established in accordance with rule 5101:3-46-08 of the Administrative Code; and

(j) Accept the all services plan by signing and dating the plan.

(C) An applicant meeting the eligibility requirements set forth in paragraph (B) of this rule shall be enrolled in the Ohio home care waiver in accordance with the enrollment process set forth in paragraph (A) of rule 5101:3-46-07 of the Administrative Code if the Ohio home care waiver has not reached the CMS-authorized participation limit for the applicable program year. If the CMS-authorized participation limit has been reached, the waiting list process set forth in paragraphs (B), (C) and (D) of rule 5101:3-46-07 of the Administrative Code shall be followed.

(D) If an applicant fails to meet any of the eligibility criteria set forth in paragraph (B) of this rule, the applicant shall be denied enrollment on the Ohio home care waiver.

(E) Reassessments and requirements for maintaining ongoing eligibility.

(1) An Ohio home care waiver consumer shall be reassessed at least annually, and more frequently if there is a significant change in the consumer's situation that may impact the consumer's health and welfare. If the annual reassessment determines that the consumer no longer meets the eligibility criteria set forth in paragraph (B) of this rule, the consumer shall be disenrolled from the Ohio home care waiver. In such instances, the consumer shall be afforded notice and hearing rights in accordance with division-level 5101:6 of the Administrative Code.

(2) If an Ohio home care waiver consumer does not receive any waiver services for ninety consecutive days, ODJFS shall, within ten days of the ninetieth day, reassess the consumer's need for waiver services. If it is determined that waiver services are no longer needed, the consumer shall be disenrolled from the Ohio home care waiver. The consumer shall be afforded notice and hearing rights in accordance with division-level 5101:6 of the Administrative Code.

(3) If, at any time, a consumer ceases to meet any of the eligibility criteria set forth in paragraph (B) of this rule, the consumer shall be disenrolled from the Ohio home care waiver. In such instances, the applicant or consumer shall be afforded notice and hearing rights in accordance with division-level 5101:6 of the Administrative Code.

Replaces: Part of 5101:3-12-04  
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CERTIFIED ELECTRONICALLY

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Certification

06/19/2006

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Date

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