

5101:3-46-07**Ohio home care waiver: enrollment and waiting list process.**

(A) When the Ohio department of job and family services (ODJFS) receives notification of an application for enrollment in the Ohio home care waiver from the county department of job and family services (CDJFS) as outlined in rule 5101:3-38-01.6 of the Administrative Code, ODJFS shall first determine if there is a potential slot available for the applicant.

(1) If a potential slot is available, the slot is reserved for the applicant while eligibility determinations are made for medicaid and the Ohio home care waiver as set forth in rules 5101:3-46-02, 5101:1-38-01.6 and 5101:1-39-95 of the Administrative Code.

(a) An applicant who meets the required medicaid and the required Ohio home care waiver eligibility criteria is enrolled on the Ohio home care waiver in accordance with rules 5101:3-12-08 to 5101:3-12-30, Chapter 5101:3-45, and Chapter 5101:3-46 of the Administrative Code.

(b) If the applicant is not eligible for the Ohio home care waiver, the application is denied and the applicant retains full hearing rights in accordance with division-level 5101:6 of the Administrative Code.

(2) If a potential slot is not available on the Ohio home care waiver, the applicant is denied and retains full hearing rights in accordance with division-level 5101:6 of the Administrative Code. The applicant is placed on the Ohio home care waiver waiting list in accordance with the procedures set forth in paragraph (B) of this rule.

(B) ODJFS shall maintain a statewide waiting list for the Ohio home care waiver consisting of applicants denied enrollment for the reason that all slots on the waiver are reserved. An applicant is placed on the Ohio home care waiver waiting list according to the applicant's signature date on the JFS 02399 "Request for Medicaid Home and Community-Based Services (HCBS)" as described in rule 5101:1-38-01.6 of the Administrative Code. When multiple applicants for the Ohio home care waiver have the same JFS 02399 signature date, the position on that waiver's waiting list shall be determined by the last four digits of each applicant's social security number, with the lowest number appearing first on the list. When a potential slot becomes available, ODJFS shall notify the next applicant on the waiting list in writing to reapply for the Ohio home care waiver within thirty days of receiving notification.

(1) If ODJFS or its designated case management agency (CMA) is not notified by a CDJFS that the applicant has reapplied within thirty days, the applicant shall be removed from the waiting list and ODJFS shall notify the next person on the waiting list in writing about the potential slot.

(2) If ODJFS or the CMA is notified that the applicant has reapplied for the Ohio

home care waiver within thirty days, ODJFS shall initiate the process set forth in paragraph (A)(1) of this rule.

(C) If an applicant for a home and community-based services waiver administered by the Ohio department of mental retardation and developmental disabilities (ODMR/DD) is found ineligible for that waiver in accordance with Chapter 5101:3-40 or 5101:3-43 of the Administrative Code, as appropriate, and applies for the Ohio home care waiver, the earliest known JFS 02399 signature date filed determines the applicant's placement on the Ohio home care waiver waiting list.

(D) Applicants on the waiting list shall be given priority for accessing Ohio home care waiver slots as described in paragraph (A)(1) of this rule when they meet any of the criteria set forth in paragraphs (D)(1) and (D)(2) of this rule. Applicants will be considered according to the signature date on the JFS 02399. When multiple applicants for the Ohio home care waiver have the same JFS 02399 signature date, the position on the waiver's waiting list shall be determined by the last four digits of each applicant's social security number, with the lowest number appearing first on the list. When a potential slot becomes available, the next applicant on the waiting list who meets the criteria set forth in paragraphs (D)(1) and (D)(2) of this rule shall be notified in writing to reapply for the Ohio home care waiver within thirty days of receiving notification.

(1) Children who:

(a) Are from birth up to, but not including, their sixth birthday; and

(b) Have been residing in an inpatient hospital setting at the time of, and at least thirty days prior to, application for the Ohio home care waiver.

(2) Applicants who are residents of a medicaid-funded nursing facility (NF) at the time of application and have a projected monthly cost of services in the community that will not exceed eighty per cent of the average monthly medicaid costs of a medicaid recipient residing in a NF.

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