

5122-36-03

Application process.

- (A) ~~An individual or legal representative may apply for the RSS application process may be through submission of program by submitting an ODM 07120 form; or its electronic equivalent; to the appropriate CDJFS or the use of by applying through an electronic system designated by OhioMHAS, and shall. In addition, the individual or legal representative will include with the RSS application an application for medicaid if the individual is not currently in receipt of a medicaid recipient.~~
- (B) OhioMHAS ~~shall~~will record the following information about the individual:
- (1) The individual's name, address, telephone number, date of birth, and social security number;
 - ~~(2) If the individual has an authorized representative, the authorized representative's name, address, and telephone number. "Authorized representative" has the same meaning as in rule 5160:1-1-58 of the Administrative Code;~~
 - ~~(3)~~(2) If the individual has a legal representative, the legal representative's name, address, and telephone number. ~~"Legal representative" means a person that the individual or probate court designates to decide for the individual. Examples of types of legal representatives are guardians, conservators, and attorneys-in-fact who are designated through a power of attorney, including a durable power of attorney for health care decisions; and;~~
 - ~~(4)~~(3) Whether the individual receives social security, SSI, or SSDI benefits.
- (C) The day the RSS application is completed and submitted to OhioMHAS will be considered the date of application.
- (D) Once a completed application has been submitted to OhioMHAS, OhioMHAS will make the non-financial eligibility determination available to the department of medicaid and the CDJFS within ten business days, ~~except for the level of care determination.~~ The department of medicaid and the CDJFS will use the non-financial eligibility determination for the determination of medical assistance eligibility in accordance with rule 5160:1-1-585160:1-5-01 of the Administrative Code.
- (E) OhioMHAS ~~shall~~will allow any individual to withdraw from the RSS application process at any time.
- (F) OhioMHAS ~~shall~~will offer enrollment in the RSS program to any individual when both of the following are the case:

- (1) The individual is determined eligible in accordance with rule ~~5160:1-1-58~~5160:1-5-01 of the Administrative Code; and;
- (2) RSS program funds are sufficient to provide cash assistance to all enrollees.
- (G) ~~Failure to cooperate:~~ OhioMHAS may deny an individual's enrollment ~~into~~in the RSS program if the applicant fails to cooperate in the enrollment process ~~because~~for either of the following reasons:
- (1) The individual did not apply for medicaid pursuant to rule 5160:1-2-10 of the Administrative Code before the tenth working day after the date of the determination of RSS non-financial eligibility in rule 5160:1-1-58 of the Administrative Code; or;
- (2) The individual did not select a living arrangement for a determination of the living arrangement's appropriateness; before the thirtieth day after the date of ~~the~~ determination of medicaid eligibility in rule 5160:1-1-585160:1-2-10 of the Administrative Code.

An application denied for the reasons listed in this paragraph ~~shall~~will be held as pending by OhioMHAS until such time as the applicant requests it be withdrawn or updates the application to be in compliance with this paragraph.

- (H) ~~Hearing rights: If~~Consistent with division (D) of section 5119.41 of the Revised Code, if an applicant is denied eligibility for the RSS program pursuant to rules in this chapter; ~~OhioMHAS shall notify the applicant of the right to a hearing, pursuant to division (H) of section 5119.41 of the Revised Code,~~ the appropriate CDJFS or the department of medicaid will notify the applicant of the right to a hearing and how to request one. If the individual requests a hearing, the hearing is to be provided in accordance with section 5101.35 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 6/14/2022

Certification

Date

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