

5122-36-04

**Responsibilities of the living arrangement.**

~~Each living arrangement housing a RSS resident shall:~~

(A) A living arrangement described in paragraph (A)(5) of rule 5122-36-02 of the Administrative Code is eligible to accept RSS payments from an individual who receives RSS payments only if all of the following are the case:

~~(A)(1) Accept~~The living arrangement accepts the allowable fee in rule 5122-36-05 of the Administrative Code as payment in full for all accommodations, supervision, and personal care services the living arrangement provides to ~~the RSS resident~~an individual who receives RSS payments. The living arrangement ~~shall~~will not request additional payment for these services from the ~~resident~~individual, the individual's representative, the resident's individual's family, or any other local, state, or federal agency.

~~(B)(2) Provide~~The living arrangement provides OhioMHAS or its designee with access to any RSS ~~resident's~~records pertaining to the individual receiving RSS payments.

~~(C)(3) Allow~~The living arrangement allows each ~~resident~~individual receiving RSS payments to meet privately with OhioMHAS or its designee.

~~(D)(4) Notify~~The living arrangement notifies OhioMHAS or its designee at least ten days before transferring or discharging ~~a resident~~an individual receiving RSS payments to another living arrangement.

~~(E)(5) Notify~~The living arrangement notifies OhioMHAS or its designee of any significant changes in the ~~resident's~~status of an individual receiving RSS payments that might affect ~~the resident's~~that individual's needs.

~~(F)(6) Not~~The living arrangement does not act as legal guardian or attorney-in-fact under a power of attorney for any ~~resident~~individual receiving RSS payments unless it was appointed guardian or named ~~power of attorney~~attorney-in-fact before July 1, 2000. ~~However, the living arrangement may act as a resident's authorized representative.~~

~~(G)(7) Not~~The living arrangement does not act as a representative payee for ~~the purposes of RSS benefits~~payments.

~~(H)(8) Maintain~~The living arrangement maintains the required licensure as required by division (D)(1) of section 5119.41 of the Revised~~described in paragraph (A) (5)(a) or (b) of rule 5122-36-02 of the Administrative Code.~~

~~(H)~~(9) Respond ~~The living arrangement responds to and cooperate~~cooperates with the OhioMHAS quarterly RSS resident verification ~~surveys~~process concerning individuals enrolled in the program.

~~(J)~~(10) Return ~~The living arrangement returns~~ any RSS payment that it receives for a ~~resident~~an individual who was disenrolled from the program or left the living arrangement before the beginning of the month for which the payment was made.

~~(K)~~(11) Give ~~The living arrangement gives~~ a prorated portion of any RSS payment to a ~~resident~~an individual who finds it necessary to leave the living arrangement ~~due to extenuating circumstances~~ before the end of the month for which the payment was made. The living arrangement ~~shall~~is to pay even if the ~~resident~~individual fails to give the minimum notice of departure that an admissions agreement or other contract between the living arrangement and the ~~resident~~individual requires. ~~Examples of extenuating circumstances include:~~

~~(1) The living arrangement cannot provide the level of care that the resident's mental, emotional, or physical condition requires;~~

~~(2) The health, safety, or welfare of the resident or any other person residing in the living arrangement requires a transfer or discharge;~~

~~(3) The living arrangement no longer has a current, valid license or certification; or;~~

~~(4) The living arrangement goes out of business.~~

~~(L)~~(12) Permit ~~The living arrangement permits~~ each ~~resident~~individual receiving RSS ~~payments~~ to have daily access to ~~his or her~~the individual's personal funds during regularly-scheduled office hours, as specified in a posted notice that is available to each ~~resident~~individual.

~~(M)~~(13) Have ~~The living arrangement has~~ each ~~resident~~individual receiving RSS ~~payments~~ sign receipts for all funds exchanged between the ~~resident~~individual and the living arrangement including those pertaining to payment for care, spending money, and any purchases the living arrangement makes on the ~~resident's~~individual's behalf. Additionally, the living arrangement ~~shall~~will provide each ~~resident~~individual with a quarterly itemized account statement, and, if the ~~resident~~individual gives the living arrangement permission to do so, ~~the living arrangement shall~~ provide ~~ODMH's~~OhioMHAS's designee with this statement.

~~(N)~~(14) ~~Provide~~The living arrangement provides transportation for each ~~resident~~individual receiving RSS payments as needed. ~~If the living arrangement provides transportation for a charge to the resident, the living arrangement shall provide the resident with complete information regarding the living arrangement's transportation policy, including information concerning costs, and other transportation options available to the resident.~~

~~(O)~~(15) ~~Refrain~~The living arrangement refrains from charging a ~~resident~~an individual receiving RSS payments more than the usual and customary rate for furnishing transportation or purchasing items.

~~(P)~~(16) ~~Provide~~The living arrangement provides for the ~~resident's~~needs, of an individual receiving RSS payments as determined by ~~ODMH's~~OhioMHAS's designee. If the living arrangement cannot meet the ~~resident's~~individual's needs, it ~~shall~~will cooperate with ~~ODMH's~~OhioMHAS's designee to relocate the ~~resident~~individual to a living arrangement that can meet the ~~resident's~~individual's needs.

(B) OhioMHAS may determine that a living arrangement is responsible for repaying an RSS payment the living arrangement has received on or after the date the individual to whom the payment relates became ineligible for RSS or the individual moved from the eligible living arrangement. The living arrangement is to return the funds by sending a check or money order, made payable to the "Ohio Treasurer of State," to: RSS Return Payments, c/o OhioMHAS, 30 E. Broad Street, 36th Floor, Columbus, Ohio 43215. The full name of the individual to whom the payment relates, as well as the time period for which the returned payment covers, is to be applied on the memo line of the check or money order.

A return of funds described in this paragraph is to be made not later than thirty days after the date the individual to whom the payment relates became ineligible for RSS or the individual moved from an eligible living arrangement.

Effective:

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

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Certification

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Date

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