

5160-33-05

**Provider conditions of participation for the assisted living home and community based services (HCBS) waiver program.**

- (A) The purpose of this rule is to establish the conditions under which providers are able to participate in the assisted living HCBS waiver program.
- (B) In order to obtain a medicaid provider agreement to be an assisted living services provider, the provider ~~must~~ will be certified by the Ohio department of aging (ODA) ~~or its designee as an assisted living provider~~ in accordance with the provisions of rule ~~173-39-03~~ Chapter 173-39 of the Administrative Code.
- (C) Individuals enrolled in the assisted living HCBS waiver ~~shall be~~ are given a free choice of qualified providers in accordance with rule 173-42-06 of the Administrative Code and 42 C.F.R. 431.51 (as in effect on October 1, ~~2016~~ 2021).

Effective: 10/13/2022  
Five Year Review (FYR) Dates: 7/15/2022 and 10/13/2027

CERTIFIED ELECTRONICALLY

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Certification

10/03/2022

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Date

Promulgated Under: 119.03  
Statutory Authority: 5166.02  
Rule Amplifies: 173.54  
Prior Effective Dates: 07/01/2006, 09/29/2011, 04/01/2017