

TO BE RESCINDED

5160-41-21 **Medicaid home and community-based services program-transitions developmental disabilities waiver.**

(A) Purpose.

- (1) The purpose of this rule is to authorize rules governing the transitions developmental disabilities waiver, a component of the medicaid home and community-based services (HCBS) program pursuant to sections 5166.02 and 5166.20 of the Revised Code.
- (2) The Ohio department of developmental disabilities (DODD), through an interagency agreement with the Ohio department of medicaid (ODM), administers the transitions developmental disabilities waiver program on a daily basis in accordance with section 5162.35 of the Revised Code.

(B) Individuals enrolled in the transitions developmental disabilities HCBS program administered by DODD shall be subject to the service requirements set forth in this rule and in the following rules of the Administrative Code as specified:

- (1) Adult day health center services shall be in accordance with rule 5123:2-9-51 of the Administrative Code.
- (2) Emergency response service shall be in accordance with rule 5123:2-9-52 of the Administrative Code.
- (3) Home-delivered meals shall be in accordance with rule 5123:2-9-53 of the Administrative Code.
- (4) Home modification services shall be in accordance with rule 5123:2-9-54 of the Administrative Code.
- (5) Out-of-home respite shall be in accordance with rule 5123:2-9-55 of the Administrative Code.
- (6) Personal care aide services shall be in accordance with rule 5123:2-9-56 of the Administrative Code.
- (7) Supplemental adaptive and assistive devices shall be in accordance with rule 5123:2-9-57 of the Administrative Code.

- (8) Supplemental transportation services shall be in accordance with rule 5123:2-9-58 of the Administrative Code.
- (9) Waiver nursing services shall be in accordance with rule 5123:2-9-59 of the Administrative Code.
- (10) General program standards shall be in accordance with rule 5123:2-9-50 of the Administrative Code.

(C) Due process.

- (1) Applicants for waiver enrollment or individuals enrolled on a waiver administered by DODD shall be afforded due process in accordance with section 5101.35 of the Revised Code through the state fair hearing process and as specified in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
- (2) If an applicant or enrollee requests a hearing, as specified in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, the participation of DODD and/or the county board of developmental disabilities is required during the hearing proceedings to justify the decision under appeal in accordance with section 5126.055 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 07/14/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5166.02
Rule Amplifies: 5166.02, 5166.20, 5162.35
Prior Effective Dates: 01/01/2013, 06/03/2016