

TO BE RESCINDED

5160-50-02.1 **Transitions carve-out waiver: eligibility criteria for time-limited enrollment of HOME choice ("Helping Ohioans Move, Expanding Choice") demonstration program participants.**

The requirements set forth in this rule begin when the Ohio department of job and family services (ODJFS) receives approval of the HOME choice demonstration program from the centers for medicare and medicaid services (CMS), or on the effective date of this rule, whichever is later. The requirements shall remain in effect through the duration of the HOME choice demonstration program.

- (A) Notwithstanding paragraph (A) of rule 5101:3-50-02 of the Administrative Code, consumers who are determined by ODJFS to meet the eligibility criteria set forth in paragraph (B) of this rule during the time-limited open enrollment period that begins when ODJFS receives approval of the HOME choice demonstration program, or on the effective date of this rule, whichever is later, and ends on September 30, 2011, may choose to be enrolled on the transitions carve-out waiver. Time-limited open enrollment is limited to the number of reserved capacity transitions carve-out waiver slots approved by CMS.
- (B) To be eligible for enrollment in the transitions carve-out waiver pursuant to this rule, a consumer must meet all of the following criteria:
- (1) Be determined by ODJFS to be eligible for the HOME choice demonstration program;
 - (2) Be determined by the Ohio department of aging (ODA) to be eligible for an ODA-administered home and community-based services waiver; and
 - (3) Meet the eligibility criteria set forth in paragraph (B) of rule 5101:3-50-02 of the Administrative Code.
- (C) HOME choice demonstration program participants with a need for nursing services shall be given priority for accessing transitions carve-out waiver slots.
- (D) Consumers who apply for and are determined to be ineligible for the transitions carve-out waiver as a result of the process set forth in this rule will be given notice and hearing rights in accordance with division 5101:6 of the Administrative Code.
- (E) Consumers enrolled on the transitions carve-out waiver pursuant to this rule shall be reassessed at least annually, and more frequently if there is a significant change in the consumer's situation that may impact the consumer's health and welfare. If the

annual reassessment determines that the consumer no longer meets the eligibility criteria set forth in this rule, and paragraph (B) of rule 5101:3-50-02 of the Administrative Code, then the consumer shall be disenrolled from the transitions carve-out waiver. In such instances, the consumer shall be afforded notice and hearing rights in accordance with division 5101:6 of the Administrative Code.

- (F) If a transitions carve-out waiver consumer enrolled pursuant to this rule does not receive services for ninety consecutive days, ODJFS shall, within ten days of the ninetieth day, reassess the consumer's need for waiver services. If it is determined that waiver services are no longer needed, the consumer shall be disenrolled from the transitions carve-out waiver. The consumer shall be afforded notice and hearing rights in accordance with division 5101:6 of the Administrative Code.
- (G) If, at any time, a consumer ceases to meet the eligibility criteria set forth in this rule, and paragraph (B) of rule 5101:3-50-02 of the Administrative Code, the consumer shall be disenrolled from the transitions carve-out waiver. In such instances, the consumer shall be afforded notice and hearing rights in accordance with division 5101:6 of the Administrative Code.

Effective: 12/01/2014

Five Year Review (FYR) Dates: 09/05/2014

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

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