

5160:1-4-06

Medicaid: coverage for individuals in receipt of adoption or foster care assistance.

- (A) This rule describes eligibility criteria for medical assistance for individuals who are in receipt of:
- (1) Adoption or foster care assistance under Title IV-E of the Social Security Act (as in effect October 1, 2016); or
 - (2) State foster care assistance; or
 - (3) State adoption assistance subsidies; or
 - (4) State adoption assistance in accordance with 42 C.F.R. 435.227 (as in effect October 1, 2016).
- (B) Individual or authorized representative responsibilities. The individual or authorized representative must:
- (1) Sign and date the application; and
 - (2) Meet the conditions of eligibility described in rule 5160:1-2-10 of the Administrative Code; and
 - (3) Cooperate in establishing eligibility; and
 - (4) Report changes that impact the eligibility criteria identified in this rule in accordance with rule 5160:1-2-08 of the Administrative Code.
- (C) Eligibility criteria for an individual in receipt of adoption or foster care assistance under Title IV-E of the Social Security Act (as in effect October 1, 2016).
- (1) The individual must:
 - (a) Meet the age requirements identified in Chapter 5101:2-47 of the Administrative Code and be in the custody of a public children services agency (PCSA), private child placing agency (PCPA), or Title IV-E agency and in receipt of Title IV-E foster care maintenance payments; or
 - (b) Meet the age requirements identified in Chapter 5101:2-49 of the Administrative Code and have a Title IV-E adoption agreement in effect, whether or not an adoption assistance payment is being made or a judicial decree of adoption has been issued.

- (2) If the individual receives adoption or foster care assistance under Title IV-E of the Social Security Act and meets the eligibility criteria under this paragraph, there is no income or resource test required to be eligible for medical assistance.

(D) Eligibility criteria for an individual in receipt of state foster care assistance.

(1) The individual must:

- (a) Be in the custody of a PCSA, PCPA, or Title IV-E agency; and
- (b) Be in receipt of state foster care assistance.

- (2) If the individual receives state foster care assistance and meets the eligibility criteria under this paragraph, there is no income or resource test required to be eligible for medical assistance.

- (3) Eligibility is coterminous with receipt of foster care assistance, ~~and ends on the date the child's foster care placement ends, subject to a pre-termination review in compliance with rule 5160:1-2-01 of the Administrative Code.~~

(E) Eligibility criteria for an individual in receipt of a state adoption assistance subsidy.

(1) The individual must:

- (a) Meet the age requirements identified in rule 5101:2-44-06 of the Administrative Code; and
- (b) Have a state adoption agreement in effect, whether or not a judicial decree of adoption has been issued.

- (2) If the individual receives a state adoption assistance subsidy and meets the eligibility criteria under this paragraph, there is no income or resource test required to be eligible for medical assistance.

(F) Eligibility criteria for an individual in receipt of state adoption assistance in accordance with 42 C.F.R. 435.227 (as in effect October 1, 2016).

(1) The individual must:

- (a) Be under the age of twenty-one; and
- (b) Have been determined by the PCSA responsible for determining state adoption maintenance subsidy program eligibility to have special needs for medical or rehabilitative care that may be a barrier to the adoptive placement, as described in rule 5101:2-44-05.1 of the Administrative

Code, or have a state adoption subsidy agreement in effect with another state, as described in rule 5101:2-44-05.2 of the Administrative Code; and

(c) Have been receiving or eligible to receive medicaid prior to the execution of the adoption agreement, under any category of medical assistance.

(2) If the individual receives state adoption assistance, has special needs for medical or rehabilitative care, and meets the eligibility criteria under this paragraph, there is no income or resource test required to be eligible for medical assistance.

(G) This rule is being filed as an emergency rule for the immediate preservation of the public health in order to provide greater flexibility to ensure medicaid eligible individuals are able to quickly and efficiently obtain and maintain medicaid services during the COVID-19 state of emergency.

Effective: 7/8/2020

CERTIFIED ELECTRONICALLY

Certification

07/08/2020

Date

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