

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, ~~2019~~2022); 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, ~~2019~~2022).
- (B) Individual or authorized representative responsibilities. The individual or authorized representative must:
- (1) Sign and date the application in accordance with rule 5160:1-2-08 of the Administrative Code; 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, ~~2019~~2022).
- (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~~When 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 kinship guardianship assistance program (KGAP) payments under Title IV-E of the Social Security Act (as in effect October 1, 2022).

(1) The individual must:

(a) Meet the eligibility requirements identified in rule 5101:2-46-02 or rule 5101:2-55-02 of the Administrative Code; and

(b) Have a current IV-E KGAP or IV-E kinship guardianship assistance program connections to twenty-one (KGAP C21) agreement in effect.

- (2) When the individual receives KGAP payments 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)~~(E) 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~~When 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.

~~(E)~~(F) Eligibility criteria for an individual in receipt of a state adoption assistancemaintenance 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~~When the individual receives a state adoption ~~assistance~~maintenance subsidy and meets the eligibility criteria under this paragraph, there is no income or resource test required to be eligible for medical assistance.

~~(F)~~(G) 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, ~~2019~~2022).

- (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~~When 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.

(H) An individual who meets eligibility requirements identified in rule 5101:2-56-02 of the Administrative Code and is in receipt of state KGAP payments is not eligible for medical assistance under this rule on the basis of receiving KGAP payments.

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CERTIFIED ELECTRONICALLY

Certification

12/19/2022

Date

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