

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** August 15, 2011  
**TIME:** 10:00 A.M.  
**LOCATION:** Rhodes State Office Tower, 30 East Broad Street,  
Room 2925, Columbus, Ohio 43215

Pursuant to section 5111.97 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rule as identified below and of a public hearing thereon.

5101:3-49-01, entitled Non-Medicaid-funded Ohio Access Success Project, sets forth the application process, eligibility requirements and benefit limitations for the Non-Medicaid-funded Ohio Access Success Project. It is being proposed for amendment to implement amendments to RC Section 5111.97, adopted under Amended Substitute House Bill 153 of the 129th General Assembly, and because of the five-year review and to clarify existing policy. Changes to the definition of "individual" in paragraph (B) clarify that the individual is a Medicaid recipient who is residing in a nursing facility (NF) and is seeking Non-Medicaid-funded Ohio Access Success Project benefits. Changes to the description of goods and services in paragraph (C) add examples set forth in Revised Code statute. Changes to paragraph (C) clarify that no participant may receive more than \$2,000.00 worth of goods and services under the benefit, and part of the participant's allocation shall, if appropriate, be paid to a contractor for costs associated with the administration of the benefit. This is to account for fiscal intermediary fees that may be deducted from each participant's benefit. Pursuant to statute, changes to the eligibility requirements for the project found in paragraph (E) include the following: an individual no longer must require a NF level of care to qualify for the benefit; an individual must be a Medicaid-recipient of Medicaid-funded NF services at the time of application; the individual must be able to remain in the community as a result of receiving the benefit; and the individual must receive a determination from ODJFS or its designee that the individual's projected cost of services shall not exceed 80 percent of the state average monthly Medicaid cost of care for a Medicaid recipient residing in a NF. Additionally, paragraph (E) (3), which previously stated that an individual must "not meet the ICF-MR level of care as set forth in rule 5101:3-3-07 of the Administrative Code," has also been removed. Paragraphs (F) and (G), which explain the calculation of projected monthly service costs and the calculation of average monthly costs for an individual residing in a NF, are being moved under paragraph (E)(3). Changes to paragraph (F) clarify language pertaining to hearing rights.

Copies of the proposed rule are available, without charge, to any person affected by the rule at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule or comments on the rule should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services and Acquisition, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).