

Pursuant to section 119.03 of the Ohio Revised Code, the Ohio Department of Mental Health and Addiction Services (OhioMHAS) will hold a public hearing for the purpose of accepting testimony on the proposed changes to the following rules pertaining to the Residential State Supplement (RSS) Program:

O.A.C. 5122-36-01 – Purpose and definitions.

O.A.C. 5122-36-02 – RSS non-financial eligibility.

O.A.C. 5122-36-03 – Application process.

O.A.C. 5122-36-04 – Responsibilities of the living arrangement.

O.A.C. 5122-36-05 – Determination of RSS payment.

RULE	SUMMARY OF MAJOR PROPOSED CHANGES
O.A.C. 5122-36-01 – Purpose and definitions.	<p>This rule specifies the purpose of the RSS Program and definitions used for the Program. The proposed amendments would:</p> <ul style="list-style-type: none"> Clarify that OhioMHAS is the RSS administrative agency, but that area agencies on aging assist with level of care determinations and county departments of job and family services (CDJFSs) determine financial eligibility for the Program; and Eliminate the definition of “living arrangement.” This is no longer needed because a list of eligible living arrangements is in O.A.C. 5122-36-02.
O.A.C. 5122-36-02 – RSS non-financial eligibility.	<p>This rule specifies the non-financial criteria an individual must meet to qualify for the RSS Program. The proposed amendments would:</p> <ul style="list-style-type: none"> Clarify that an individual must meet all criteria in a Medicaid rule (O.A.C. 5101:1-5-01) to qualify for the RSS Program, and that OhioMHAS is responsible for first determining non-financial eligibility while the appropriate CDJFS next determines financial eligibility; Codify the existing procedure OhioMHAS uses to collect an RSS payment paid to an individual who was determined ineligible for the Program or who had moved from an eligible living arrangement; Require all returns of funds described above to be made not later than 30 days after the individual became ineligible for the RSS Program or the individual moved from an eligible living arrangement. Specify that an RSS applicant must execute a release of information form permitting an exchange of information between not only OhioMHAS and the living arrangement operator and other care providers and key contacts, but also between these parties and the Ohio Department of Medicaid (ODM) and Ohio Department of Job and Family Services (ODJFS).
O.A.C. 5122-36-03 – Application process.	<p>This rule specifies the OhioMHAS portion of the application process for the RSS Program. The proposed amendments would:</p> <ul style="list-style-type: none"> Correct cross-references to ODM and OhioMHAS statutes; and

RULE	SUMMARY OF MAJOR PROPOSED CHANGES
O.A.C. 5122-36-04 – Responsibilities of the living arrangement.	<ul style="list-style-type: none"> • Make non-substantive formatting changes. <p>This rule specifies the responsibilities of the participating living arrangements. The proposed amendments would:</p> <ul style="list-style-type: none"> • Eliminate the requirement that an extenuating circumstance be present before a living arrangement must give a prorated portion of an RSS payment to an individual who leaves the living arrangement before the end of the month for which payment was made; • Codify the existing procedure OhioMHAS uses to collect from a living arrangement an RSS payment the living arrangement had received when the individual to whom the payment was related was ineligible for or had moved from the eligible living arrangement (this change would make this rule consistent with O.A.C. 5122-36-02); • Require all returns of funds described above to be made not later than 30 days after the date the individual to whom the payment relates became ineligible for the RSS Program or the individual moved from an eligible living arrangement; and • Make non-substantive formatting changes.
O.A.C. 5122-36-05	<p>This rule specifies how the amount of each RSS payment is determined and the amount of the allowable fee an individual receiving RSS payments pays to a living arrangement. The proposed amendments would:</p> <ul style="list-style-type: none"> • Correct a cross-reference to a Medicaid rule; and • Make non-substantive formatting changes.

The public hearing will be held at 3 pm on Thursday, July 21, 2022, in Room 3602 of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio, 36th Floor. At this hearing, OhioMHAS will accept verbal and written testimony on the rules under consideration.

The hearing will be conducted in accordance with Chapter 119 of the Ohio Revised Code. Any person affected by the rules may appear and be heard in person, by his or her attorney, or both; may present his or her position, arguments, or contentions, orally or in writing; offer and examine witnesses; and present evidence tending to show that the rules, if adopted or effectuated, will be unreasonable or unlawful.

To obtain copies of these rules, please visit the Register of Ohio: www.registerofohio.state.oh.us.

Persons may also submit written testimony in lieu of appearing at the public hearing. Written testimony sent by mail must be postmarked no later than the day of the hearing. Written testimony transmitted by email must be received no later than 5 pm on the day of the hearing. Written testimony may be mailed to: Ohio Department of Mental Health and Addiction Services, Division of Legal Services, Attention: Lisa Musielewicz, 30 East Broad Street, 36th Floor, Columbus, Ohio 43215-3430; or emailed to MH-SOT-rules@mha.ohio.gov.

Video link - [Click here to join the meeting](#)