

## TO BE RESCINDED

**173-38-01                    Enrollment process for the assisted living medicaid waiver program.**

(A) The purpose of this rule is establish the standards and procedures for enrollment in the assisted living program.

(B) As used in this rule:

(1) "Assisted living medicaid waiver program" means a medicaid waiver that serves individuals who would otherwise receive services in a nursing facility if the waiver program were not available, or if the individual did not meet the eligibility criteria described in rule 5101:3-33-03 of the Administrative Code, and the enrollment requirements set forth in this rule.

(2) "Authorized representative" means a person eighteen years of age or older, acting on behalf of an individual who is applying for or receiving medical assistance. An authorized representative may be a family member, attorney, hospital social worker, or any other person chosen to act on the individual's behalf. In accordance with rule 5101:1-38-01.2 of the Administrative Code, the individual must provide a written statement naming the authorized representative and the duties that the named authorized representative may perform on the individual's behalf.

(3) "CDJFS" means the county department of job and family services.

(4) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(5) "ODJFS" means the Ohio department of job and family services.

(6) "PAA" means the local PASSPORT administrative agency.

(C) An individual may contact either the CDJFS or the PAA to start the enrollment process. The two agencies shall coordinate processing the request for enrollment into the assisted living medicaid waiver program.

(1) An individual who makes initial contact with the CDJFS must complete the application for home and community-based services using the medicaid application JFS 07200 "Request for Cash, Food Stamp, and Medical Assistance" form and the JFS 02399 "Request for Medicaid Home and Community-Based Services (HCBS)" form. The CDJFS must notify the PAA

of the individuals' application for waiver services. The PAA must initiate contact with the individual to complete the enrollment process.

- (2) An individual who makes initial contact with the PAA will receive an in-person assessment to determine eligibility for the assisted living medicaid waiver program. The PAA may assist the individual in applying for medicaid financial eligibility, if not already initiated, by completing the medicaid application JFS 07200 "Request for Cash, Food Stamp, and Medical Assistance" form and securing the individual's or authorized representative's signature on the JFS 02399 "Request for Medicaid Home and Community-Based Services (HCBS)" form. The PAA may submit these forms to the CDJFS on behalf of the individual.
- (D) The PAA must ensure that the following conditions are met before an individual may be enrolled in the assisted living medicaid waiver program:
- (1) The CDJFS must determine that the individual meets the financial eligibility requirements for medicaid coverage of home and community-based services specified in Chapters 5101:1-37 to 5101:1-39 of the Administrative Code; and,
  - (2) The PAA must determine that the individual meets the eligibility requirements for enrollment into the assisted living medicaid waiver program specified in rule 5101-3-33-03 of the Administrative Code.
  - (3) Because the United States centers for medicare and medicaid services limits the number of slots available for enrollment in the assisted living medicaid waiver program, and the Ohio department of aging is responsible for managing enrollment into the program, the PAA must determine that there is a slot available before an individual may be enrolled in the program.
- (E) Any applicant for assisted living medicaid waiver program services is entitled to notice and hearing rights as set forth in section 5101.35 of the Revised Code and division -level designation 5101:6 of the Administrative Code.
- (1) The PAA must notify an individual and the individual's authorized representative, if any, of the approval for enrollment for the individual determined to meet all assisted living medicaid waiver program eligibility criteria.
  - (2) If the PAA determines that an individual does not meet the criteria for enrollment into the assisted living medicaid waiver program, the PAA must

notify the CDJFS of the results, and the CDJFS must send notice of denial of the waiver application to the individual and authorized representative, if any.

- (3) If the CDJFS determines an individual does not meet the financial eligibility criteria, the CDJFS must send notice of denial of the waiver application to the individual and authorized representative, if any, and notify the PAA.
- (F) If an individual meets all the non-financial eligibility criteria, but a slot is not available for enrollment in the assisted living medicaid waiver program, the individual must be placed on a waiting list according to the later of the individual's signature date on the JFS 02399 "Request for Medicaid Home and Community-Based Services (HCBS)" form or the date all non-financial eligibility criteria have been met. The PAA must remove each individual from the waiting list to be enrolled in the assisted living medicaid waiver program according to the chronological order of the date the individual was placed on the waiting list.

Effective:

R.C. 119.032 review dates: 06/26/2009

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Certification

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Date

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