

173-40-03

PASSPORT program (state-funded component): individual enrollment, disenrollment, disenrollment and other actions.

(A) Presumptive: For each individual ~~who is~~ enrolled in the state-funded component of the PASSPORT program on the basis of paragraph (A) of rule 173-40-02 of the Administrative Code:

(1) Disenrollment: ODA or its designee shall disenroll any individual who no longer meets all ~~the~~ requirements under paragraph (A) of rule 173-40-02 of the Administrative Code unless the only requirement the individual no longer meets is the PETI (i.e., patient-liability or share of cost) requirement listed in paragraph (A)(5) of ~~the~~ that rule.

(2) No appeals: ODA or its designee shall not provide the individual with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code if ODA or its designee disenrolls the individual for either or both of the following reasons:

(a) The individual has been enrolled in the state-funded component of the PASSPORT program under the requirements of paragraph (A) of rule 173-40-02 of the Administrative Code for the maximum enrollment period of ninety days.

(b) The individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the requirements of paragraph (A) of rule 173-40-02 of the Administrative Code before reaching the maximum enrollment period of ninety days.

(3) Post-disenrollment prohibitions:

(a) After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently re-enroll the individual back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.

(b) After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently enroll the individual into the medicaid-funded component of the PASSPORT program until ODM's administrative agency determines the individual meets ~~the~~ all medicaid financial eligibility requirements and ODA or its designee determines the individual meets ~~the~~ all non-financial eligibility requirements under rule 5160-31-03 of the Administrative Code.

- (c) After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently enroll the individual into the state-funded component of the assisted living program.

(4) Appeals:

- (a) ODA or its designee shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA or its designee proposes any one or more of the following:
 - (i) To deny the individual's enrollment into the state-funded component of the PASSPORT program under the requirements of paragraph (A) of rule 173-40-02 of the Administrative Code.
 - (ii) To require the individual to pay a specified PETI (i.e., patient-liability amount or share of cost) each month.
 - (iii) To change the services the individual receives through the program.
 - (iv) To disenroll the individual from the program before the individual reaches the maximum enrollment period of ninety days, unless the individual voluntarily disenrolls from the program.
- (b) On form ODA1117, ODA or its designee shall provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with Chapter 119. of the Revised Code. ODA or its designee shall also print a mailing date on the form.
- (c) If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual shall request a hearing. To request a hearing, the individual shall sign form ODA1117 and mail the signed form to ODA, addressed as follows:

"Director

Ohio Dept. of Aging

246 N. High St., 1st Floor

Columbus, OH 43215"

- (d) In order for ODA to accept the request for a hearing, ODA shall have received the original signed form ODA1117 in its office before five p.m.

on or before the thirtieth day after ODA or its designee mailed form ODA1117 to the individual. If ODA does not receive the original signed form on or before the thirtieth day, ODA shall proceed with a final order containing findings.

(B) Grandparented: For an individual who is enrolled in the state-funded component of the PASSPORT program on the basis of paragraph (B) of rule 173-40-02 of the Administrative Code:

(1) Reassessment:

- (a) Whenever ODA or its designee reassesses the condition and service needs of the individual, ODA or its designee shall verify if the individual continues to meet all eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code.
- (b) ODA or its designee shall reassess each the individual to assess the individual's condition and service needs at least once every twelve months or at any time the individual's condition or service needs change substantially.
- (c) At least once every six months ODA or its designee shall develop and implement a revised person-centered ~~service~~-services plan for the individual so long as the individual continues to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code.
- (d) If the individual does not continue to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code, ODA or its designee shall provide the individual with a written notice of intent to disenroll the individual from the state-funded component of the PASSPORT program.

(2) Disenrollment:

- (a) ODA or its designee may propose to disenroll an individual from the state-funded component of the PASSPORT program for any one or more of the following:
 - (i) The individual does not continue to meet all the eligibility requirements under paragraph (B) of rule 173-40-02 of the Administrative Code.
 - (ii) The individual's permanent relocation.

- (iii) The individual's death.
 - (b) When the individual's services are suspended for any reason for sixty calendar days, ODA or its designee shall provide the individual (or the individual's authorized representative, if any), with notice of disenrollment from the state-funded component of the PASSPORT program.
 - (c) Suspensions which ultimately result in disenrollment shall have a disenrollment date that is retroactive to the first day of the suspension of services.
- (3) No appeals: ODA or its designee shall not provide the individual with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code if ODA or its designee disenrolls an individual if the individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the requirements of paragraph (B) of rule 173-40-02 of the Administrative Code.
- (4) Post-disenrollment prohibitions:
- (a) After ODA or its designee disenrolls the individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently re-enroll the individual back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.
 - (b) After ODA or its designee disenrolls the individual from the state-funded component of the PASSPORT program, ODA or its designee shall not subsequently enroll the individual into the state-funded component of the assisted living program.
- (5) Appeals:
- (a) ODA or its designee shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA or its designee proposes any one or more of the following:
 - (i) To deny the individual's enrollment into the state-funded component of the PASSPORT program under the requirements of paragraph (B) of rule 173-40-02 of the Administrative Code.
 - (ii) To require the individual to pay a specified patient-liability amount each month.

- (iii) To change the services the individual receives through the program.
- (b) On form ODA1117, ODA or its designee shall provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with Chapter 119. of the Revised Code. ODA or its designee shall also print a mailing date on the form.
- (c) If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual shall request a hearing. To request a hearing, the individual shall sign form ODA1117 and mail the signed form to ODA, addressed as follows:

"Director
Ohio Dept. of Aging
246 N. High St., 1st Floor
Columbus, OH 43215"
- (d) In order for ODA to accept the request for a hearing, ODA shall have received the original signed form ODA1117 in its office before five p.m. on or before the thirtieth day after ODA or its designee mailed form ODA1117 to the individual. If ODA does not receive the original signed form on or before the thirtieth day, ODA shall proceed with a final order containing findings.

Effective:

Five Year Review (FYR) Dates: 8/14/2018

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 173.01, 173.02, 173.522
Rule Amplifies: 173.522
Prior Effective Dates: 06/11/1991 (Emer.), 09/13/1991, 11/09/1998,
04/17/2003, 01/01/2008, 09/29/2011, 09/10/2012,
02/01/2017