

TO BE RESCINDED

173-43-02 **Process.**

- (A) Whenever any individual applies for admission to an NF or indicates an intention to apply for admission to a NF, regardless of the source of payment, and whenever any NF resident applies for medicaid or indicates an intention to apply for medicaid, either the NF or ODA's designee shall determine whether an individual requires a consultation in accordance with rule 173-43-03 of the Administrative Code.
- (B) For an individual who contacts the NF seeking admission or for a current resident of a NF who is seeking medicaid eligibility, the NF may determine that the individual is exempt according to the criteria set forth in paragraph (B) of rule 173-43-03 of the Administrative Code.
- (1) If the NF determines that ODA's designee is not required to provide a consultation to an individual, the NF shall document in the individual's record the criteria met for the exemption.
- (2) If the NF determines that the individual is not exempt from the consultation, the NF shall provide ODA's designee with the information required in paragraph (E) of this rule.
- (C) For a hospitalized individual who has either contacted the NF and was not determined to be exempt or who has not contacted the NF, the hospital shall provide ODA's designee with the information required in paragraph (E) of this rule.
- (D) For an individual who is not covered by paragraph (B) or (C) of this rule, the individual or the representative of the individual shall provide to ODA's designee the required information in paragraph (E) of this rule to initiate the consultation process.
- (E) Whenever a NF, hospital, or individual provides ODA's designee with information in accordance with paragraphs (B), (C), and (D) of this rule, the NF, hospital, or individual shall provide, at a minimum, all the following information, whether by telephone, in writing, in person or electronically:
- (1) The expected length of stay in the NF;
- (2) All known information concerning existing formal support systems, existing informal support systems, potential formal support systems, and potential informal support systems that are available to the individual;

- (3) Whether the individual has previously been admitted to a NF; and,
 - (4) For an individual who is not seeking a medicaid payment, a statement demonstrating whether or not the resources of the individual will be depleted within six months of admission, which may make the individual financially eligible for medicaid. The individual or representative of the individual shall base the statement upon knowledge of the current cost for a six-month stay in the NF. If the individual or the representative of the individual does not know the current cost, the NF shall provide that information, upon request, to the individual or the representative of the individual.
- (F) If ODA's designee determines that it is not required to provide a consultation to an individual according to the parameters of paragraphs (B) and (C) of rule 173-43-03 of the Administrative Code, ODA's designee shall provide documentation to the individual (or to the individual's representative, if any) and to the NF (if known) that identifies the exemption being met.
- (G) For an individual for whom ODA's designee is required to provide a consultation, ODA's designee shall determine whether to perform a consultation prior to admission to a NF or after admission to a NF. ODA's designee may determine that a consultation may be conducted after admission to a NF if any of the following applies:
- (1) ODA's designee decides that a limited length of stay in a NF would be beneficial in order for alternative service arrangements to be put into place, or for the individual to rehabilitate so that alternative service arrangements are then able to meet the needs of the individual;
 - (2) The consultation cannot be completed within the required number of days in accordance with rule 173-43-04 of the Administrative Code and ODA's designee has not exempted the individual from the requirement to receive a consultation;
 - (3) ODA or ODA's designee determines that a individual has an emergency need for admission to a NF based upon credible information from sources that include, but are not limited to, the following:
 - (a) An adult protective services worker;
 - (b) A categorical PAS-SMI, as defined in rule 5122-21-03 of the Administrative Code; or,

- (c) A categorical PAS-MR/DD determination as defined in rule 5123:2-14-01 of the Administrative Code.
- (4) If the need for an emergency admission to a NF arises during the time when ODA's designee is not open for business and is not able to make the determination that the individual has an emergency need for admission, the NF may admit the individual (although paragraph (L) of this rule still applies). The NF shall provide notification of the admission to ODA's designee no later than twenty-four hours after the admission.
- (H) Only a person who is certified by ODA or ODA's designee pursuant to rule 173-43-05 of the Administrative Code may perform a consultation.
- (I) At a minimum, every consultation shall provide each of the following components:
- (1) Any long-term care options available to the individual (public and private) that may meet the needs of the individual;
 - (2) Information explaining the methods to use to apply for the long-term care options mentioned in accordance with paragraph (I)(1) of this rule;
 - (3) A personalized list of factors to consider when deliberating over long-term care options mentioned in accordance with paragraph (I)(1) of this rule, including, but not limited to, any known potential risks that may be associated with the options and applicable resources that the individual may use to learn about the quality of services; and,
 - (4) Information explaining the opportunities and methods for maximizing the independence and self-reliance of the individual, including information about support services provided by the family, friends, and community of the individual that may be able to meet the needs of the individual.
- (J) At the conclusion of the consultation, ODA's designee shall provide the individual or the representative of the individual with a written summary of options and resources available to meet the needs of the individual.
- (K) Although the summary mandated by paragraph (J) of this rule may specify that an alternative source of long-term care is appropriate and available, the individual is not required to seek the alternative source. Instead, the individual may be admitted to a NF or continue to reside in a NF, unless the individual does not meet the applicable requirements under rules 5101:3-3-15.1 and 5101:3-3-15.2 of the

Administrative Code.

- (L) An individual who is subject to a PASRR and/or a LOC review shall comply with the requirements of a PASRR and/or a LOC review. This is the case even if ODA's designee is not required to provide a consultation to the individual and even if ODA's designee is not required to provide a consultation until after admission to a NF.
- (M) If a consultation includes any portion of a PASRR and/or a LOC review, any determinations made in relation to these reviews shall comply with rules 173-43-05, 5101:3-3-15, 5101:3-3-15.1, and 5101:3-3-15.2 of the Administrative Code.
- (N) A NF that has a provider agreement with the department of job and family services may only admit or retain an individual as a resident upon receipt of evidence that the individual is exempt from or has met the requirements of this rule.

Replaces: 5101:3-3-14
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CERTIFIED ELECTRONICALLY

Certification

07/26/2012

Date

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