173-44-04 **Unified waiting list for the assisted living, PACE, and PASSPORT programs.**

(A) The United States centers for medicare and medicaid services limits the number of slots available for enrollment in the medicaid-funded components of the assisted living, and PASSPORT medicaid-funded waiver programs which may cause a waiting list. A lack of capacity in PACE may also cause a waiting list. ODA has the authority to operate these programs. ODA manages and manage enrollment into those programs, including the ability to establish a waiting list. (This rule does not apply to the state-funded components of the assisted living or PASSPORT programs.)

(B) Waiting list:

(1) If ODA's designee determines that an individual meets all the non-financial eligibility requirements for the program to which the individual has applied, but a slot is not available for enrollment in the program, ODA's designee shall place the individual on the unified waiting list established under section 173.55 of the Revised Code according to the latter of the individual's signature date on form ODM02399 (or, for PACE, either form ODM02398 or ODM02399) date the individual applied for the program to which the individual applied or the date the individual met all non-financial eligibility requirements for the program to which he or she the individual applied. The following rules present the non-financial eligibility requirements:

(a) Assisted living: See rule 5160-33-03 of the Administrative Code.

(b) PACE: See rule 173-50-02 of the Administrative Code.

(c) PASSPORT: See rule 5160-31-03 of the Administrative Code.

(2) With the exception of the circumstances specified in paragraph (A) of this rule, ODA's designee shall offer enrollment to any individual on the unified waiting list for the assisted living, PACE, or PASSPORT programs who meets all of the eligibility requirements for the program to which he or she the individual applied, in compliance with the enrollment rule for the program to which he or she the individual applied, according to the chronological order that ODA's designee placed him or her on the waiting list.

(a) The following rules present the eligibility requirements:

(i) Assisted living: See rule 5160-33-03 of the Administrative Code.

(ii) PACE: See rule 173-50-02 of the Administrative Code.

(iii) PASSPORT: See rule 5160-31-03 of the Administrative Code.

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(b) The following rules present the enrollment process:

(i) Assisted living: See rules 173-38-03 and 5160-33-04 of the Administrative Code.

(ii) PACE: See rule 173-50-03 of the Administrative Code.

(iii) PASSPORT: See rules 173-42-03 and 5160-31-04 of the Administrative Code.

(3) ODA's designee shall offer <u>enrollment to</u> an individual on the unified waiting list for the assisted living, PACE, or PASSPORT programs ~~who~~ <u>if the individual</u> meets all of the eligibility requirements for the program to which ~~he or she~~ <u>the individual</u> ~~has~~ applied ~~in compliance with the applicable enrollment rule~~ according to the chronological order ~~that~~ ODA's designee placed ~~him or her~~ <u>the individual</u> on the unified waiting list, unless ~~the enrollment rule says otherwise~~ <u>prohibited by rule 173-38-03, 173-50-03, or 173-42-03 of the Administrative Code</u>.

(4) If ODA's designee offers enrollment to an individual from the unified waiting list, but the individual declines enrollment, the individual may remain on the unified waiting list and ODA's designee shall offer enrollment to the next individual on the list according to the order this rule establishes.

(5) If a slot is available in the program to which an eligible individual ~~has~~ applied, ODA's designee or the PACE organization shall not place the individual on the unified waiting list.

(C) Definitions for this rule:

"Assisted living program" ~~("program")~~ <u>(program)</u> means the medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code but not the state-funded component of the assisted living program created under section 173.543 of the Revised Code. The program provides individuals in the program with the assisted living service under rule 173-39-02.16 of the Administrative Code and, in some cases, the community transition service under rule 173-39-02.17 of the Administrative Code, if the individuals reside in a residential care facility and would otherwise receive services in a nursing facility if the medicaid-funded component of the program ~~was~~ <u>were</u> not available.

~~"Form ODM02398" means "form ODM02398 (rev. 7/2014) 'Request for Program of All-Inclusive Care for the Elderly (PACE) Referral.'" The ohio department of medicaid publishes the form on www.medicaid.ohio.gov. It is available to the general public at no cost.~~

"Form ODM02399" means "form ODM02399 (rev. 7/2014) 'Request for Medicaid Home and Community-Based Services (HCBS).'" The Ohio department of medicaid publishes the form on www.medicaid.ohio.gov. It is available to the general public at no cost.

"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"ODA" means "the Ohio department of aging."

"ODA's designee" has the same meaning as in rule 173-39-01 of the Administrative Code.

"PACE" means "the program of all-inclusive care for the elderly, which is established by 42 C.F.R. 460 (October 1, 2015)."

"PASSPORT program" ("PASSPORT") (PASSPORT) means the medicaid-funded component of the PASSPORT program created under section 173.52 of the Revised Code, but not the state-funded component of the PASSPORT program created under section 173.522 of the Revised Code.

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Certification

10/22/2018

Date

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