

173-44-04

**Unified waiting list.**

(A) The United States centers for medicare and medicaid services limits the number of slots available for enrollment in the assisted living, choices, 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 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 criteria 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 ~~173.404~~ 173.55 of the Revised Code according to the latter of the individual's signature date on form JFS02399 (or, for PACE, either form JFS02398 or JFS02399) or the date the individual met all non-financial eligibility criteria for the program to which he or she applied. For the choices program, ODA's designee shall place the individual on the unified waiting list if the individual meets all the eligibility criteria according to the date the individual completed the certification process described in rule ~~5101:3-32-03~~ 5160-32-03 of the Administrative Code. The following rules present the non-financial eligibility criteria:

(a) Assisted living: See rule ~~5101:3-33-03~~ 5160-33-03 of the Administrative Code.

(b) Choices: See rule ~~5101:3-32-03~~ 5160-32-03 of the Administrative Code.

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

(d) PASSPORT: See rule ~~5101:3-31-03~~ 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, choices, PACE, or PASSPORT programs who meets all of the eligibility criteria for the program to which he or she applied, in compliance with the enrollment rule for the program to which he or she 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 criteria:

- (i) Assisted living: See rule ~~5101:3-33-03~~ 5160-33-03 of the Administrative Code.
- (ii) Choices: See rule ~~5101:3-32-03~~ 5160-32-03 of the Administrative Code.
- (iii) PACE: See rule 173-50-02 of the Administrative Code.
- (iv) PASSPORT: See rule ~~5101:3-31-03~~ 5160-31-03 of the Administrative Code.

(b) The following rules present the enrollment process:

- (i) Assisted living: See rules 173-38-03 and ~~5101:3-33-04~~ 5160-33-04 of the Administrative Code.
- (ii) Choices: See rules 173-37-01 and ~~5101:3-32-06~~ 5160-32-06 of the Administrative Code.
- (iii) PACE: See rule 173-50-03 of the Administrative Code.
- (iv) PASSPORT: See rules 173-42-03 and ~~5101:3-31-04~~ 5160-31-04 of the Administrative Code.

- (3) ODA's designee shall offer an individual on the unified waiting list for the assisted living, PACE, or PASSPORT programs who meets all of the eligibility criteria for the program to which he or she has applied in compliance with the applicable enrollment rule according to the chronological order that ODA's designee placed him or her on the unified waiting list, unless the enrollment rule says otherwise.
- (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:

- (1) "Assisted living program" ("program") 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 ~~5111.89~~ 173.543 of the Revised Code. The program provides consumers 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 consumers reside in a residential care facility and would otherwise receive services in a nursing facility if the waiver program was not available.
- (2) "Choices program" means the medicaid-funded program created under section ~~173.403~~ 173.53 of the Revised Code.
- (3) "Form JFS02398" means "form JFS02398 (rev. 8/1999) 'Request for Program of All-Inclusive Care for the Elderly Services.'"
- (4) "Form JFS02399" means "form JFS02399 (rev. 1/2012) 'Request for Medicaid Home and Community-Based Services (HCBS).'"
- (5) "Nursing facility" has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised Code.
- (6) "ODA" means "the Ohio department of aging."
- (7) "ODA's designee" has the same meaning as "PASSPORT administrative agency" in section 173.42 of the Revised Code. The current PASSPORT administrative agencies are the area agencies on aging listed in rule 173-2-04 of the Administrative Code plus "Catholic Social Services of the Miami Valley."
- (8) "PACE" means "the program of all-inclusive care for the elderly," which is established by ~~42 U.S.C. 1396u-4, as amended, and 42 C.F.R. 460 (October 1, 2013 edition)~~.
- (9) "PASSPORT program" ("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 ~~173.40~~ 173.522 of the Revised Code.

Replaces: 173-38-03, 173-42-01, 173-50-03

Effective:

R.C. 119.032 review dates: 09/26/2016

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Certification

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Date

Promulgated Under: 119.03

Statutory Authority: 173.01, 173.02, 173.50, 173.52, 173.54

Rule Amplifies: 173.501, 173.521, 173.542

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