

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 programs which may cause a waiting list. A lack of capacity in PACE may also cause a waiting list. ~~ODA has authority to operate 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 an individual meets all non-financial eligibility requirements for the program to which the individual applied, but a slot is not available for enrollment in the program, ODA's designee or the PACE organization shall place the individual on the unified waiting list established under section 173.55 of the Revised Code according to the latter of the 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 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 or the PACE organization 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 the individual applied, in compliance with the enrollment rule for the program ~~to which the individual applied~~, according to the chronological order that ODA's designee placed ~~him or her~~ the individual on the waiting list, unless prohibited by rule 173-38-03, 173-50-03, or 173-42-03 of the Administrative Code.

(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.

(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 enrollment to an individual on the unified waiting list for the assisted living, PACE, or PASSPORT programs if the individual meets all of the eligibility requirements for the program to which the individual applied according to the chronological order ODA's designee placed the individual on the unified waiting list, unless prohibited by rule 173-38-03, 173-50-03, or 173-42-03 of the Administrative Code.~~

~~(4)~~(3) 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)~~(4) If a slot is available in the program to which an eligible individual 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) 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 were not available.~~

~~"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."

"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 173.522 of the Revised Code.~~

Effective:

Five Year Review (FYR) Dates: 3/20/2023

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.50, 173.52, 173.54
Rule Amplifies: 173.55; 42 C.F.R. 441.352
Prior Effective Dates: 02/22/2001, 10/03/2005 (Emer.), 01/13/2006,
07/16/2006, 03/28/2009, 09/18/2009, 01/14/2010,
03/12/2011, 09/29/2011, 12/19/2013, 08/01/2016,
11/01/2018