

TO BE RESCINDED

173-51-02

Eligibility criteria for the state-funded assisted living program.

(A) Only an individual who meets all of the following criteria is eligible for the state-funded component of the assisted living program:

- (1) First-time only: The individual was not previously enrolled in the state-funded component of the assisted living program or the state-funded component of the PASSPORT program.
- (2) Consultation: The individual has participated in a long-term care consultation under section 173.42 of the Revised Code and Chapter 173-43 of the Administrative Code.
- (3) Financial criteria:
 - (a) The individual completes and submits forms JFS07200 and JFS02399 to the CDJFS to apply for the medicaid-funded component of the assisted living program and the application is still pending because the CDJFS has not yet made a final determination on his or her financial eligibility. (If the CDJFS had already determined that he or she was eligible to participate in the medicaid-funded component of the assisted living program, he or she would be enrolled in the medicaid-funded component of the assisted living program. If the CDJFS had already determined that he or she was not financially eligible to participate in the medicaid-funded component of the assisted living program, he or she would also not be eligible to participate in the state-funded component of the assisted living program.)
 - (b) The individual agreed that, if he or she is enrolled into the state-funded component of the assisted living program, then the CDJFS determines that the individual is financially eligible for the medicaid-funded component of the assisted-living program, that he or she would immediately be transferred to the medicaid-funded component of the assisted living program.
 - (c) The individual is actively assisting the CDJFS in determining if he or she is financially eligible to participate in the medicaid-funded component of the assisted living program by expeditiously providing the CDJFS with copies of any financial records the CDJFS may need to make its financial eligibility determination.
 - (d) ODA (or ODA's designee) completed form ODA1115 and determined that the CDJFS will most likely determine that the individual meets the

financial eligibility criteria for the medicaid-funded component of the assisted living program listed in rules 5101:1-38-01.6 and 5101:1-38-01.8 of the Administrative Code, and ODA (or ODA's designee) has no reason to doubt that determination.

(4) Non-financial criteria:

- (a) ODA (or ODA's designee) and the individual completed form ODA1116, and the form indicated that the individual chose to enroll in the state-funded component of the assisted living program, named the individual's representative (if any), and indicated that the individual authorized ODA (or ODA's designee) to release information.
- (b) ODA (or ODA's designee) determined that the individual meets the non-financial eligibility criteria for the medicaid-funded component of the assisted living program, which are listed in rule 5101:3-33-03 of the Administrative Code.
- (c) The individual agreed to reside in an Ohio licensed residential care facility that is authorized by a valid provider agreement to participate in the medicaid-funded component of the assisted living program while receiving assisted living services under the state-funded component of the assisted living program.

(5) Patient liability: After ODA (or ODA's designee) assessed the individual's income and resources using the methodology described in paragraph (C)(4) of rule 5101:1-39-24.1 of the Administrative Code to determine if the individual should pay any patient liability and the individual agreed to make, and does make, any patient liability payment as it becomes due.

- (B) If, at any time, a consumer enrolled in the state-funded component of the assisted living program no longer meets all the criteria under paragraph (A) of this rule, unless the only criterion the consumer no longer meets is the patient-liability criterion listed in paragraph (A)(5) of this rule, the consumer is no longer eligible for the state-funded component of the assisted living program.
- (C) An individual who is eligible for the state-funded component of the assisted living program may not participate in the state-funded component of the assisted living program for more than ninety days.

Effective:

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

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 173.01, 173.02, 173.543
Rule Amplifies: 173.543
Prior Effective Dates: 09/29/2011 (Emer.), 12/29/2011, 09/10/2012