

## TO BE RESCINDED

**173-51-03                    Disenrollment and other adverse actions regarding the state-funded assisted living program.**

(A) Disenrollment: ODA (or ODA's designee) shall disenroll a consumer who is enrolled in the state-funded component of the assisted living program if:

- (1) The consumer no longer meets all the criteria under paragraph (A) of rule 173-51-02 of the Administrative Code, unless the only criterion the consumer no longer meets is the patient-liability criterion listed in paragraph (A)(5) of rule 173-51-02 of the Administrative Code;
- (2) The CDJFS has determined that the consumer meets the medicaid financial eligibility criteria under rules 5101:1-38-01.6 and 5101:1-38-01.8 of the Administrative Code;
- (3) The CDJFS has determined that the consumer does not meet the financial eligibility criteria under rules 5101:1-38-01.6 and 5101:1-38-01.8 of the Administrative Code;
- (4) The consumer has been enrolled in the state-funded component of the assisted living program for the maximum enrollment period of ninety days; or,
- (5) The consumer voluntarily disenrolls from the state-funded component of the assisted living program before reaching the maximum enrollment period of ninety days.

(B) No appeals: ODA (or ODA's designee) shall not provide the consumer with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code if ODA (or ODA's designee) disenrolls a consumer for any of the following reasons:

- (1) The consumer has been enrolled in the state-funded component of the assisted living program for the maximum enrollment period of ninety days; or,
- (2) The consumer voluntarily disenrolled from the state-funded component of the assisted living program before reaching the maximum enrollment period of ninety days.

(C) Post-disenrollment prohibitions:

- (1) After ODA (or ODA's designee) disenrolls a consumer from the state-funded component of the assisted living program, ODA (or ODA's designee) shall not subsequently re-enroll the consumer back into the state-funded component of the assisted living program.

- (2) After ODA (or ODA's designee) disenrolls a consumer from the state-funded component of the assisted living program, ODA (or ODA's designee) shall not subsequently enroll the consumer into the medicaid-funded component of the assisted living program until the CDJFS determines that the consumer meets the medicaid financial eligibility criteria and ODA (or ODA's designee) determines that the consumer meets the non-financial eligibility criteria in rule 5101:3-33-03 of the Administrative Code.
- (3) After ODA (or ODA's designee) disenrolls a consumer from the state-funded component of the assisted living program, ODA (or ODA's designee) shall not subsequently enroll the consumer into the state-funded component of the PASSPORT program.

(D) Appeals:

- (1) ODA (or ODA's designee) shall provide form ODA1117 to an individual as a notice of a proposed adverse action against the individual, if ODA (or ODA's designee) proposes any of the following:
  - (a) To deny the individual's enrollment into the state-funded component of the assisted living program;
  - (b) To require the consumer to pay a specified patient-liability amount each month;
  - (c) To change the services the consumer receives through the program; or,
  - (d) To disenroll the consumer from the program before the consumer reaches the maximum enrollment period of ninety days, unless the consumer voluntarily disenrolls from the program.
- (2) On form ODA1117, ODA (or ODA's designee) shall provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with Chapter 119. of the Revised Code. ODA (or ODA's designee) shall also print a mailing date on the form.
- (3) If an individual wishes to appeal ODA's (or ODA's designee's) proposed adverse action, the individual shall request a hearing. To request a hearing, the individual shall sign form ODA1117 and mail the signed form to ODA, addressed as follows:

Director

Ohio Dept. of Aging

50 W. Broad St., 9th Floor

Columbus, OH 43215

- (4) In order for ODA to accept the request for a hearing, ODA must receive the original signed form ODA1117 in its office before five p.m. on or before the thirtieth day after ODA (or ODA's designee) mailed form ODA1117 to the individual. If ODA does not receive the original signed form on or before the thirtieth day, ODA will proceed with a final order that contains findings.

Effective: 11/1/2018

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

CERTIFIED ELECTRONICALLY

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Certification

10/22/2018

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Date

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