

ACTION: FINAL  
FILED

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5101:1-40-03      **Covered families and children (CFC) medicaid: children in care.**

(A) Children who are placed in foster homes, private nonprofit child care institutions, or public child care institutions by public or private nonprofit child care agencies are eligible for CFC medicaid under healthy start provisions if the eligibility requirements as outlined in rule 5101:1-40-08 of the Administrative Code are met.

(B) "State-subsidized adoption" is a program in which the public children services agency (PCSA) enters into a written agreement with the adoptive parents to make payments on behalf of an adopted child. Payments may be made from the time of the adoptive placement and continue beyond the date of issuance of the final adoption decree. These children may be eligible for healthy start if the eligibility requirements as outlined in chapter 5101:1-40-08 of the Administrative Code are met. If the state subsidy is not based upon a determination of special medical or rehabilitative care pursuant to (D) of this rule, then the income of the child#s adoptive parents, minus the state adoption subsidy, and appropriate household size are considered in determining the child#s eligibility for healthy start.

(C) In Ohio, the PCSAs are responsible for authorizing subsidy payments; private child placing agencies must request subsidy payments from the public agencies. Therefore, children placed for adoption by a PCSA may have subsidy payments made on their behalf. These children are subsequently eligible for healthy start if the eligibility requirements as outlined in Chapter 5101:1-40-08 of the Administrative Code are met.

(D) State adoption subsidy children who have been determined by a PCSA to have special needs for medical mental health or rehabilitative care are eligible for CFC medicaid based on the child's own financial and nonfinancial circumstances if the eligibility requirements as outlined in rule 5101:1-40-08 of the Administrative Code are met. For children who have been determined to have these special needs, healthy start eligibility is determined without consideration of the parental income or need. The appropriate assistance group size is one as long as the following additional eligibility criteria for children with these special needs are met:

(1) For any such child for whom such an agreement is entered into on or after april 7, 1986, CFC medicaid eligibility is contingent upon the following:

(a) A determination by the PCSA administering the agreement, that the child#s state adoption subsidy case record contains sufficient documentation that the child cannot be placed with adopted parents without medical assistance because of the child#s special needs for

medical, mental health or rehabilitative care, and

(b) A finding by the CDJFS of the child#s residence that either the child was eligible for medicaid prior to the JFS 01615 #State Adoption Subsidy Agreement# being entered into; or that the child would have been eligible for medicaid, based on the child#s income, during any of the six months prior to the #State Adoption Subsidy Agreement# being entered into.

(2) For any such child for whom such an agreement was entered into before April 7, 1986, CFC medicaid eligibility is contingent upon the following:

(a) A determination by the PCSA administering the agreement that the child#s state adoption subsidy case record contains sufficient documentation that at the time of adoptive placement the child had special needs for medical, mental health or rehabilitative care that made the child difficult to place, and

(b) A finding by the CDJFS in the child#s county of residence that the child was eligible for medicaid prior to such agreement being entered into.

(3) For the purposes of this rule, #special needs for medical, mental health or rehabilitative care# means either of the following:

(a) A medical condition, physical impairment, mental retardation or developmental disability, emotional disturbance, behavioral problem, pursuant to the rule 5101:2-1-01 of the Ohio Administrative Code , or

(b) An identified or anticipated risk of any such condition which is based on circumstances or conditions in the medical or social history of the child#s biological family or in the child#s personal history prior to the #state adoption subsidy agreement# being entered into.

(E) PCSA duties:

(1) The PCSA is responsible for completing activities outlined in rules 5101:2-44-051, and 5101:2-47-06 of the Administrative Code.

(2) The PCSA shall provide the adoptive parent(s) with copies of the JFS 01615 and JFS 01449 and a JFS 07216 #combined programs application# form. The PCSA shall inform the adoptive parents to complete the JFS 07216 and forward the application and supporting documents to the CDJFS in order to apply for medicaid for the child.

(3) Upon request of the CDJFS, the PCSA shall provide any available information that would assist the CDJFS. For any such child who is determined by the CDJFS to be eligible for medicaid in accordance with this rule, the PCSA

shall advise the CDJFS within ten days of termination of the #state adoption subsidy agreement.#

(F) CDJFS duties:

- (1) Upon filing of a completed JFS 07216 with supporting JFS 01449 and JFS 01615, the CDJFS shall determine whether the child meets the eligibility criteria described in either paragraph (D) (1) (b) or (D) (2) (b) of this rule, based upon the best available reconstruction of the child#s circumstances prior to execution of the JFS 01615. If the child does not meet any of these criteria, the CDJFS shall determine whether the child meets the criteria for any other basis of CFC medicaid eligibility. In either event, medicaid eligibility for any approved application shall extend back no further than three months from the month that the JFS 07216 was filed with the CDJFS. Notice of the CDJFS decision on medicaid eligibility shall be provided in accordance with chapter 5101:6 and 5101:1-38 of the Administrative Code. In addition, the CDJFS shall send a copy to the PCSA coordinator of the notice of medicaid approval sent to any applicant who meets the criteria set forth in paragraph (D) of this rule.
  - (2) A child who is determined by the CDJFS to be eligible for CFC medicaid in accordance with the criteria set forth in paragraph (D) of this rule shall remain eligible until the state adoption subsidy is terminated. Upon being informed by the PCSA that the #state adoption subsidy agreement# is no longer in effect, the CDJFS shall determine whether there is any other basis to continue the child#s medicaid eligibility prior to proposing termination. If there is not the CDJFS shall propose termination of medicaid in accordance with chapter 5101:6-2 and 5101:1-38 of the Administrative Code.
  - (3) The adoptive parents shall be required to provide the CDJFS with any information regarding medical assistance, insurance, or liability available to the child. This information shall be provided to third party liability.
- (G) Residence in Ohio is a requirement for CFC medicaid. A child with special needs, who is in receipt of an Ohio-executed state adoption subsidy and who does not live in Ohio, is not eligible for Ohio CFC medicaid, even if the subsidy payment continues.
- (1) A child with special needs, who is in receipt of an Ohio executed state adoption subsidy and who does not live in Ohio, is eligible for medicaid in the new residence state if:

    - (a) The new residence state plan includes membership in the interstate compact on adoption and medical assistance (ICAMA). This compact contributes to the states#cost of providing adoption subsidies and medicaid for children with special needs.

- (i) The new state shall notify the PCSA and the Ohio ICAMA coordinator of the child's move to the new state. The new state must be identified as part of the ICAMA compact; or
  - (ii) The state is not a member of ICAMA but has elected in the state plan to provide covered services under the compact as long as the child meet the eligibility criteria outlined in rule 5101:1-40-08 of the Administrative Code and continues to be eligible on its own income; and,
  - (iii) The state and ODJFS are parties to an interstate agreement for reciprocal medicaid coverage of state adoption subsidy children.[Enter paragraph text here]
- (2) If a child with special needs, who is in receipt of an Ohio-executed state adoption subsidy, moves to a new state which meets the requirements of paragraphs (G)(1)(a) of this rule, the Ohio ICAMA coordinator shall provide the adoptive parent(s) the appropriate documentation to provide to the new state's medicaid agency. Annually the Ohio ICAMA coordinator shall provide new residence state with evidence that the state adoptions subsidy agreement is still in effect, or has been renewed. In the event that the state adoption subsidy is terminated, the Ohio ICAMA coordinator shall inform the new residence state.
- (3) A child with special needs, who is a resident of Ohio and in receipt of a state adoption subsidy agreement from another state, is eligible to receive Ohio CFC medicaid if:
  - (a) If the ODJFS adoption coordinator identified the originating state as a member of the ICAMA compact, the only requirement for the adoptive parent is to complete an JFS 07216; or,
  - (b) If the state is not identified as a member of the ICAMA compact but has elected in the state medicaid plan coverage of special needs for its own state adoption subsidy children; and,
  - (c) The state which entered into the agreement and ODJFS are parties to an interstate agreement for reciprocal medicaid coverage of state adoption subsidy children. As long as the child continues to be eligible based on his own income he will be eligible for healthy start.
  - (d) The CDJFS shall obtain a completed JFS 07216 and state adoption subsidy documentation from the adoptive parents. Upon receipt of a completed JFS 07216, and the state adoption subsidy documentation, the CDJFS shall determine CFC medicaid. The CDJFS shall provide notice of the eligibility determination in accordance with Chapter

5101:6-2 and 5101:1-38 of the Administrative Code.

(4) A child, who is determined eligible for CFC medicaid, shall remain eligible until the state adoption subsidy is terminated, or the child moves out of Ohio. Annually, the state which entered into the state adoptions subsidy agreement shall provide the Ohio CDJFS with evidence that the state adoption subsidy agreement is still in effect, or has been renewed. Upon notification that the state adoptions subsidy agreement is no longer in effect, the CDJFS shall determine whether the child's eligibility may continue under another covered group of medicaid. The CDJFS shall provide notice of the eligibility determination in accordance with Chapter 5101:6-2 and 5101:1-38 of the Administrative Code.

(5) The adoptive parents, whether moving from or to Ohio, shall be required to provide the residence state with any information regarding medical assistance, insurance, or liability available to the child. This information shall be provided to third party liability.

Replaces: 5101:1-39-74.2, 5101:1-39-74.9

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Certification

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Date

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