

5101:1-40-03**Medicaid: children in care and individuals younger than age twenty-one who have aged out of foster care.**

(A) This rule describes medicaid eligibility requirements for children in care in Ohio and individuals who have aged out of foster care but are younger than age twenty-one.

(B) Definitions.

- (1) "Administrative agency" means the county department of job and family services (CDJFS), Ohio department of job and family services (ODJFS) or other entity that determines eligibility for a medical assistance program.
- (2) "Authorized representative", for the purpose of this rule, means a person, eighteen years or older, who stands in place of the individual. The authorized representative may include a legal entity assisting in the application process. The administrative agency may request proper identification from the authorized representative.
- (3) "Child" for the purpose of this rule, means a person younger than eighteen years of age.
- (4) "Children in care" means, for the purpose of this rule, that a public children services agency (PCSA), private child placing agency (PCPA), or Title IV-E agency has permanent or temporary legal custody of a child as defined in rule 5101:2-1-01 of the Administrative Code.
- (5) "Federal adoption assistance" (AA) means the Title IV-E subsidy program as defined by the Adoption Assistance and Child Welfare Act of 1980.
- (6) "Foster care maintenance" (FCM) means Ohio's Title IV-E foster care maintenance program, as defined in rule 5101:2-47-02 of the Administrative Code.
- (7) "Independent living services" has the same meaning as in rule 5101:2-42-19 of the Administrative Code.
- (8) "Individual", for the purpose of this rule, means a person who has aged out of foster care at age eighteen and is younger than age twenty-one.
- (9) "PCSA" means a public children services agency as defined in section 5153.02 of the Revised Code.
- (10) "PCPA" means a private child placing agency as defined in section 5103.02 of the Revised Code.
- (11) "State adoption assistance" means the state-only adoption subsidy program as described in rule 5101:2-44-03 of the Administrative Code.

(C) Eligibility criteria.

(1) A child is eligible for medicaid under this rule, regardless of family size, income, or resources, when the child is:

(a) In the custody of a PCSA or a PCPA; or

(b) In receipt of adoption or foster care assistance under Title IV-E of the Social Security Act as in effect January 1, 2008; or

(c) In receipt of state or federal adoption assistance.

(2) An individual under age twenty-one, who has aged out of foster care, is eligible for medicaid, regardless of family size, income, or resources, when the individual:

(a) Is at least eighteen but under twenty-one years of age; and

(b) Is in foster care under the responsibility of the state on the individual's eighteenth birthday; and

(c) Has received FCM payments or independent living services furnished by a program funded under Title IV-E of the Social Security Act of 1935 as in effect January 1, 2008, before the individual reached age eighteen.

(D) Individual, child or authorized representative responsibilities. The child, the individual, or the authorized representative must:

(1) Sign and date the application;

(2) Cooperate in establishing eligibility which includes verifying citizenship, as described in rule 5101:1-38-02 of the Administrative Code, upon turning age eighteen and leaving care; and

(3) Report changes.

(E) Administrative agency responsibilities. The administrative agency must:

(1) Determine medicaid eligibility in accordance with the eligibility rules as described in Chapters 5101:1-37 to 5101:1-42 of the Administrative Code;

(2) Not require a face-to-face interview for application;

(3) Redetermine eligibility every twelve months;

(4) Not terminate an individual's eligibility until a pre-termination review (PTR) of

continuing medicaid eligibility has been completed in accordance with Chapter 5101:1-38 of the Administrative Code; and

(5) Issue proper notice and hearing rights as outlined in division 5101:6 of the Administrative Code.

Replaces: 5101:1-40-03, 5101:1-40-02.3, 5101:1-40-10,

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Certification

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