

5160:1-6-06.8

Medicaid: disposal of assets of individuals receiving services from the Ohio department of developmental disabilities and/or Ohio department of mental health and addiction services.

- (A) This rule describes the disposal of assets of individuals who are receiving services from the Ohio department of developmental disabilities (DODD) and/or the Ohio department of mental health and addiction services (~~ODMHAS~~)(OhioMHAS) and who are in receipt of medical assistance.
- (B) Individuals in receipt of medical assistance may have received or continue to receive services from ~~the~~ DODD and/or ~~the~~ ~~ODMHAS~~OhioMHAS.
- (1) DODD and ~~ODMHAS~~OhioMHAS provide for any and all personal needs, e.g., recreational activities and services necessary to assure a better quality of life for individuals under their care. Many of these services are not covered by medicaid and exceed the individual's available personal income.
- (2) DODD and ~~ODMHAS~~OhioMHAS maintain records and documentation of expenses incurred on an individual's behalf that fall outside of the scope of coverage for medical assistance and exceed the individual's available income.
- (3) When an individual receives a lump-sum payment or available assets are identified, DODD and ~~ODMHAS~~OhioMHAS seek reimbursement for appropriately incurred expenses.
- (C) When DODD and/or ~~ODMHAS~~OhioMHAS are acting on behalf of the individual as the responsible party, legal guardian, etc., the appropriate department may dispose of the asset by increasing the individual's assets to the resource limit described in rule 5160:1-3-05.1 of the Administrative Code, by establishing an irrevocable burial contract in accordance with rule 5160:1-3-05.6 of the Administrative Code, or by purchasing any personal items deemed necessary to better the individual's quality of life. After these expenses, DODD and/or ~~ODMHAS~~OhioMHAS will reimburse their department for funds expended on behalf of the individual and provide documentation of these expenses to the administrative agency
- (D) ~~If~~When the individual's responsible party, legal guardian, etc., is not a representative of DODD and/or ~~ODMHAS~~OhioMHAS, the representative is also afforded the opportunity of increasing assets to the resource limit, establishing an irrevocable burial contract in accordance with rule 5160:1-3-05.6 of the Administrative Code, ~~and~~or purchasing necessary personal items to better the individual's quality of life. Documentation of these expenses shall be provided to the administrative agency. After such expenses, the responsible party, legal guardian, etc., must properly dispose of any excess assets to maintain continued eligibility for medical assistance.

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

- (1) Notify the responsible party of the options available to appropriately dispose of excess assets. One option is reimbursement to the Ohio department medicaid ODM(ODM) for medicaid expenses. ~~However, the~~ The options of reimbursing ODM, DODD, or ~~ODMHASOhioMHAS~~ or terminating eligibility for medical assistance and paying privately for the medical expenses remain with the responsible party.
- (2) Review necessary documentation for the reimbursement to DODD or ~~ODMHASOhioMHAS~~ to assure that the individual did, in fact, receive fair market value for the assets.
 - (a) ~~If~~ When the documentation verifies the individual received fair market value, the administrative agency shall accept these expenditures as valid.
 - (b) Valid expenses and reimbursements to DODD and/or ~~ODMHASOhioMHAS~~ shall not be considered an improper transfer of assets.

Effective:

Five Year Review (FYR) Dates: 9/29/2023

Certification

Date

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