

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 receiving services from the Ohio department of developmental disabilities (DODD) and/or Ohio department of mental health and addiction services (ODMHAS) and 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.

(1) DODD and ODMHAS 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 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 seek reimbursement for appropriately incurred expenses.

(C) When DODD and/or ODMHAS 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, establishing an irrevocable burial contract in accordance with rule 5160:1-3-05.6 of the Administrative Code, or purchasing any personal items deemed necessary to better the individual's quality of life. After these expenses, DODD and/or ODMHAS will reimburse their department for funds expended on behalf of the individual and provide documentation of these expenses to the administrative agency

(D) If the individual's responsible party, legal guardian, etc., is not a representative of DODD and/or ODMHAS, 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 purchasing necessary personal items. 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 ODM for medicaid expenses.

However, the options of reimbursing ODM, DODD, or ODMHAS 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 ODMHAS to assure that the individual did, in fact, receive fair market value for the assets.

(a) If 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 ODMHAS shall not be considered an improper transfer of assets.

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Effective:

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Certification

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Date

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