

173-51-02**Assisted living program (state-funded component): eligibility requirements.**

(A) Only an individual meeting all of the following requirements is eligible for the state-funded component of the assisted living program:

(1) First-time only: The individual was not previously enrolled in the state-funded component of the assisted living program or the state-funded component of the PASSPORT program.

(2) Consultation: The individual participated in a long-term care consultation under section 173.42 of the Revised Code and Chapter 173-43 of the Administrative Code.

(3) Financial requirements:

(a) The individual contacted either ODA's designee or ODM's administrative agency to apply for the medicaid-funded component of the assisted living program, but the application is still pending because ODM's administrative agency has not yet made a final determination on the individual's financial eligibility. (If ODM's administrative agency already determined the individual was eligible to participate in the medicaid-funded component of the assisted living program, the individual would be enrolled in the medicaid-funded component of the assisted living program. If ODM's administrative agency already determined the individual was not financially eligible to participate in the medicaid-funded component of the assisted living program, the individual would also not be eligible to participate in the state-funded component of the assisted living program.)

(b) The individual agreed if he or she is enrolled into the state-funded component of the assisted living program, then ODM's administrative agency determines the individual is financially eligible for the medicaid-funded component of the assisted-living program, he or she would immediately be transferred to the medicaid-funded component of the assisted living program.

(c) The individual is actively assisting ODM's administrative agency in determining if he or she is financially eligible to participate in the medicaid-funded component of the assisted living program by timely providing ODM's administrative agency with information and copies of any records ODM's administrative agency needs to make its financial eligibility determination.

(d) ODA or its designee completed form ODA1115 and determined that ODM's administrative agency would most likely determine the individual meets all financial eligibility requirements for the medicaid-funded component of the assisted living program listed in rules 5160:1-2-03 and 5160:1-2-10 of the Administrative Code, and ODA or its designee has no reason to doubt that determination.

(4) Non-financial requirements:

(a) ODA or its designee and the individual completed form ODA1116, and the form indicated the individual chose to enroll in the state-funded component of the assisted living program, named the individual's representative (if any), and indicated the individual authorized ODA or its designee to release information.

(b) ODA or its designee determined the individual meets all non-financial eligibility requirements for the medicaid-funded component of the assisted living program in rule 5160-33-03 of the Administrative Code.

(c) The individual agreed to reside in a certified living unit of an Ohio licensed RCF that is authorized by a valid provider agreement to participate in the medicaid-funded component of the assisted living program while receiving assisted living services under the state-funded component of the assisted living program.

(5) Post-eligibility treatment of income (PETI) (i.e., patient liability or share of cost): After ODA or its designee assessed the individual's income and resources using the methodology described in rule 5160:1-6-07.1 of the Administrative Code to determine if the individual should pay any share of cost and the individual agreed to pay, and does pay, any share of cost as it becomes due.

(B) If, at any time, an individual enrolled in the state-funded component of the assisted living program no longer meets all the requirements under paragraph (A) of this rule, unless the only requirement the individual no longer meets is the PETI requirement in paragraph (A)(5) of this rule, the individual is no longer eligible for the state-funded component of the assisted living program.

(C) An individual who is eligible for the state-funded component of the assisted living program shall not participate in the state-funded component of the assisted living program for more than ninety days.

Replaces: 173-51-02
Effective: 11/1/2018
Five Year Review (FYR) Dates: 11/01/2023

CERTIFIED ELECTRONICALLY

Certification

10/22/2018

Date

Promulgated Under: 111.15
Statutory Authority: 173.01, 173.02, 173.543
Rule Amplifies: 173.543
Prior Effective Dates: 09/29/2011 (Emer.), 12/29/2011, 09/10/2012