

DRAFT for ONLINE PUBLIC-COMMENT PERIOD
***** DRAFT - NOT YET FILED *****

173-38-01

**Assisted living program (medicaid-funded component):
introduction and definitions.**

Note: ODA presents the rule in a proposed amendment form. When ODA files the rule with the Joint Committee on Agency Rule Review (JCARR) to begin the legislature's formal rule-review process, the Legislative Service Commission will require ODA to propose rescinding the rule and adopting a new rule in its place.

(A) Introduction: Chapter 173-38 of the Administrative Code regulates the medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code. (See Chapter 173-51 of the Administrative Code for rules on the state-funded component of the assisted living program.)

~~(B) Definitions for Chapter 173-38 of the Administrative Code:~~

- ~~(1) "Assisted living program" ("program") means the home and community-based medicaid waiver program created under section 173.54 of the Revised Code that provides consumers in the program with the assisted living service under rule 173-39-02.16 of the Administrative Code and, in some cases, the community transition service under rule 173-39-02.17 of the Administrative Code, if the consumers reside in a residential care facility and would otherwise receive services in a nursing facility if the waiver program was not available.~~
- ~~(2) "Authorized representative" has the same meaning as in rule 5160:1-1-55.1 of the Administrative Code.~~
- ~~(3) "CDJFS" means "county department of job and family services."~~
- ~~(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.~~
- ~~(5) "ODA" means "the Ohio department of aging."~~
- ~~(6) "ODA's designee" has the same meaning as "PASSPORT administrative agency" in section 173.42 of the Revised Code. The current PASSPORT administrative agencies are the area agencies on aging listed in rule 173-2-04 of the Administrative Code plus "Catholic Social Services of the Miami Valley."~~
- ~~(7) "ODM" means "the Ohio department of medicaid."~~
- ~~(8) "Service plan" (aka, "care plan") means the written outline of the services that ODA's designee expects a provider to furnish to a consumer.~~

(B) Definitions for this chapter:

"Assisted living program" ("program") means the home and community-based medicaid waiver program created under section 173.54 of the Revised Code that provides individuals in the program with the assisted living service under rule 173-39-02.16 of the Administrative Code and, in some cases, the community transition service under rule 173-39-02.17 of the Administrative Code, if the

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individuals reside in a residential care facility and would otherwise receive services in a nursing facility if the waiver program was not available.

"Authorized representative" has the same meaning as in rule 5160:1-1-55.1 of the Administrative Code.

"Form JFS07200" means "form JFS07200 'Request for Cash, Food, and Medical Assistance.' (rev. 9/2014)" The Ohio department of job and family services publishes the form on <http://www.odjfs.state.oh.us/forms/>." It is available to the general public at no cost.

"Form ODA1115" means "form ODA1115 'Financial Assessment Worksheet.' (rev. 09/2011)" ODA publishes the form on www.aging.ohio.gov. It is available to the general public at no cost.

"Form ODA1116" means "form ODA1116 'Enrollment Agreement.' (rev. 09/2011)" ODA publishes the form on www.aging.ohio.gov. It is available to the general public at no cost.

"Form ODA1117" means "form ODA1117 'Notice of Proposed Action and Opportunity for Hearing' (rev. 04/2012)" ODA publishes the form on www.aging.ohio.gov. It is available to the general public at no cost.

"Form ODM02399" means "form JFS02399 'Request for Medicaid Home and Community-Based Services (HCBS)' (07/2014)." ODM publishes the form on <http://medicaid.ohio.gov/RESOURCES/Publications/MedicaidForms.aspx>. It is available to the general public at no cost.

"ODA" means "the Ohio department of aging.

"ODA's designee" has the same meaning as in rule 173-39-01 of the Administrative Code.

"ODM" means "the Ohio department of medicaid."

"ODM's administrative agency" has the same meaning as "administrative agency" in rule 5160:1-1-01 of the Administrative Code.

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

"Service plan" means the written outline of the goods or services that a case manager authorizes a provider to provide to an individual, regardless of the funding source for those goods or services. "Service plan" includes the person-centered planning in rule 5160-44-02 of the Administrative Code.