

5101:3-47-02

**Transitions MR/DD waiver: consumer eligibility for enrollment.**

(A) Enrollment on the transitions MR/DD waiver is only available to consumers who were enrolled on the Ohio home care waiver as of January 1, 2002, or on the effective date of this rule were either enrolled on the core-plus benefit or enrolled on an ODMR/DD-administered waiver and receiving core services. Transfer will occur after ODJFS or its designated case management agency (CMA) determines the criteria set forth in paragraph (B) of this rule are met.

(B) To be eligible and maintain eligibility, a transitions MR/DD waiver consumer must:

(1) Be eligible for Ohio medicaid in accordance with rules 5101:1-38-01.6 and 5101:1-39-95 of the Administrative Code; and

(2) Be determined program eligible for the transitions MR/DD waiver by meeting the following requirements:

(a) Participate in the assessment process as defined in rule 5101:3-45-01 of the Administrative Code;

(b) Have an ICF-MR level of care in accordance with rule 5101:3-3-07 of the Administrative Code;

(c) Need services that are not available through other sources in amounts sufficient to meet the consumer's needs;

(d) Be able to have service needs met within his or her assigned individual cost cap as set forth in rule 5101:3-46-05 of the Administrative Code using a combination of waiver, medicaid state plan and/or other available formal and informal services;

(e) Not reside in an institution, ICF-MR, residential care facility, adult foster home or other group living arrangement subject to state licensure or certification;

(f) In the absence of the transitions MR/DD waiver, require placement in an ICF-MR;

(g) Continue to elect to receive transitions MR/DD waiver services instead of institutional services by signing a JFS 02379 agency-consumer agreement; and

(h) Participate in the development of an all services plan; and

(i) Accept the all services plan by signing and dating the plan.

(C) A transitions MR/DD waiver consumer shall be reassessed at least annually, and

more frequently if there is a significant change in the consumer's situation that may impact the consumer's health and welfare. If the annual reassessment determines that the consumer no longer meets the eligibility criteria set forth in paragraph (B) of this rule, then the consumer shall be disenrolled from the transitions MR/DD waiver. In such instances, the consumer shall be afforded notice and hearing rights in accordance with division-level 5101:6 of the Administrative Code.

(D) If a transitions MR/DD waiver consumer does not receive any waiver services for ninety consecutive days, ODJFS shall, within ten days of the ninetieth day, reassess the consumer's need for waiver services. If it is determined that waiver services are no longer needed, the consumer shall be disenrolled from the transitions MR/DD waiver. The consumer shall be afforded notice and hearing rights in accordance with division-level 5101:6 of the Administrative Code.

(E) If, at any time, a consumer ceases to meet any of the eligibility criteria set forth in paragraph (B) of this rule, the consumer shall be disenrolled from the transitions MR/DD waiver. In such instances, the consumer shall be afforded notice and hearing rights in accordance with division-level 5101:6 of the Administrative Code.

Replaces: Part of 5101:3-12-04

Effective:

R.C. 119.032 review dates:

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Certification

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Date

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