

## TO BE RESCINDED

173-40-04

**Loss-of-medicaid-eligibility status.**

- (A) Beginning on July 1, 1990, any applicant for the PASSPORT HCBS program who was not enrolled in a PASSPORT home care program at the time the applicant applied for the PASSPORT HCBS program, and who is presumed by the PAA to be eligible for PASSPORT HCBS program, but who is subsequently denied enrollment in or disenrolled from the PASSPORT HCBS program, shall be transferred to loss-of-medicaid-eligibility status only when, in the judgment of the PAA, such a transfer is temporarily necessary to protect the health and safety of the consumer until alternative services can be arranged. No person on loss-of-medicaid-eligibility status may continue to receive PASSPORT home care services for more than sixty days unless the person has appealed the action resulting in the denial or loss of medicaid eligibility status, in which case, the PAA shall do the following:
- (1) Assist the consumer in order to responsibly transfer the consumer to traditional community-based long-term care services; or, assist the consumer in nursing home placement; and,
  - (2) Notify the consumer of the last date that PASSPORT home care services will be provided.
- (B) Any consumer on loss-of-medicaid-eligibility status shall receive services according to an approved plan of care.
- (C) Consumers denied or losing their PASSPORT HCBS program eligibility may appeal that action in accordance with Chapter 5101:3-31 of the Administrative Code. Loss-of-medicaid-eligibility status is a nonwaiver-funded (i.e., "state-funded") PASSPORT home care program component available to temporarily protect the consumer, the PAA, and PASSPORT providers from medicaid financial eligibility outcomes that may either produce dangerous absences of consumer care or the denial of provider reimbursement when services have been provided in good faith. Because appeal rights are provided for all consumers denied enrollment in or disenrolled from the PASSPORT HCBS program eligibility, no right of appeal for termination of services shall be provided to consumers on loss-of-medicaid-eligibility status.

Effective:

R.C. 119.032 review dates: 07/13/2011

---

Certification

---

Date

Promulgated Under: 111.15  
Statutory Authority: 173.01, 173.02, 173.40  
Rule Amplifies: 173.40  
Prior Effective Dates: 06/11/1991 (Emer.), 09/13/1991, 11/09/1998,  
04/17/2003, 01/01/2008