

5101:2-44-05.1

Medicaid eligibility for children with special needs.

- (A) An adoptive child in receipt of a JFS 01615 "Approval for State Adoption Maintenance Subsidy" (~~rev. 4/2019~~) may be eligible for medicaid as outlined in rule 5160:1-4-06 of the Administrative Code based only upon the child's income, resources, and special needs for medical, mental health, or rehabilitative care.
- (B) In order for an adoptive child to be considered a child with special needs for medical, mental health, or rehabilitative care, the public children services agency (PCSA) responsible for determining state adoption maintenance subsidy program eligibility ~~shall~~ is to determine that, at the time of adoptive placement, the child has a medical necessity as defined in rule 5160-1-01 of the Administrative Code. The medical necessity includes at least one of the following needs or circumstances that may be a barrier to the adoptive placement without medical assistance because the child:
- (1) Has a medical condition, physical impairment, or developmental disability.
 - (2) Has been diagnosed with a mental disorder as characterized by a behavioral, psychological, or biological dysfunction.
 - (3) Has been diagnosed with a substance-related disorder.
- (C) Eligibility criteria:
- (1) For any such child for whom the approval for state adoption special services subsidy was entered into between April 7, 1986 and June 30, 2004, medicaid eligibility as outlined in rule 5160:1-4-06 of the Administrative Code, is contingent upon the following:
 - (a) A determination by the PCSA administering the agreement that the child's state adoption special services subsidy case record contains sufficient documentation that the child cannot be placed with the adoptive ~~parents or parent~~ parent(s) without medical assistance because of the child's special needs for medical or rehabilitative care.
 - (b) A finding by the county department of job and family services (CDJFS) of the child's residence that either the child was eligible for medicaid as outlined in rule 5160:1-4-06 of the Administrative Code, prior to the approval for state adoption special services subsidy being entered into; or that the child would have been eligible for medicaid, based on the child's income, during any of the six months prior to the approval for state adoption special services subsidy being entered into.

- (2) For any child for whom a JFS 01615 was entered into on or after July 1, 2004, medicaid eligibility as outlined in rule 5160:1-4-06 of the Administrative Code, is contingent upon all of the following:
- (a) A finding by the PCSA administering the agreement that the child has a medical necessity as outlined in paragraph (B) of this rule which makes the child with special needs eligible for medical, mental health, or rehabilitative care as documented on the JFS 01449 "Determination of Special Needs for Medical, Mental Health, or Rehabilitative Care," ~~(rev. 7/2016)~~.
 - (b) The adoptive ~~parent or parents~~parent(s) are eligible for a state adoption maintenance subsidy under division (B) of section 5153.163 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 7/24/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.163
Rule Amplifies: 5153.163, 5153.16
Prior Effective Dates: 04/01/1990 (Emer.), 06/01/1990, 03/18/1999,
07/01/2004, 05/01/2009, 05/29/2014, 08/01/2019