

TO BE RESCINDED

5160:1-17-03 **Determination of RSS payment.**

- (A) The residential state supplement (RSS) payment to the assistance group shall be equal to the difference between the countable income and the financial need standard for the appropriate RSS living arrangement.
- (B) The approval date for the RSS payment cannot precede the signature date on the JFS 07120 "Residential State Supplement Referral" (rev. 3/2003), the date of placement in an appropriate RSS living arrangement, or the date when all financial and resource eligibility requirements are met, whichever occurs last.
- (C) When an individual leaves an RSS placement after the monthly RSS payment has been made, a refund of the payment will not be made to the individual. If an individual leaves an RSS placement and moves to another RSS living arrangement and the monthly RSS payment has been made to the previous residence, a second monthly RSS payment will not be made for the new residence.
- (D) When an individual leaves an RSS placement the CDJFS must determine the individual's continued medicaid eligibility. If an adverse action is required (e.g., a change to delayed spenddown medicaid) the individual must be afforded hearing rights in accordance with Chapter 5101:6-2 of the Administrative Code.
- (E) When an individual moves from a nursing facility or a personal residence into an RSS living arrangement the first day of the month and is otherwise eligible for RSS, the individual is eligible for a full month's RSS payment.
- (F) When an individual moves into an RSS living arrangement on a date other than the first of the month and is otherwise eligible for RSS, the first month's payment is calculated according to the following formula:
- (1) Determine the regular monthly RSS payment in accordance with paragraph (A) of this rule.
 - (2) Divide the monthly RSS payment amount by the number of days in the month to arrive at the daily supplement amount. Round amounts up to the nearest dollar.
 - (3) Multiply the daily supplement amount by the actual number of days of RSS placement in the month. The actual number of days of RSS placement in the month includes the day that the individual moves into the RSS living arrangement through the last day of the month.

(4) The resulting product is the prorated RSS payment.

(G) Impact of temporary institutional placement.

- (1) Individuals who temporarily enter a public or medicaid certified facility are potentially eligible to receive full uninterrupted RSS benefits during the first three full months of institutional placement. These RSS benefits are intended to allow the individual to maintain and pay for the expense of the RSS living arrangement in which the individual intends to live when discharged.
- (2) Individuals are eligible for continued RSS benefits provided the following criteria are met:
 - (a) Institutional placement. The individual must continuously reside in one or more of the following: a public medical institution, a public psychiatric institution, a medicaid approved hospital, or a Title XIX certified long term care facility (LTCF).
 - (b) Recipient status. The individual must be eligible for an RSS payment both the month prior to and the month of institutional placement.
 - (c) Physician's certification. The individual's physician must provide a statement that the individual's period of institutional placement is not likely to exceed ninety consecutive days, beginning the day after the day of admission.
 - (d) Need to maintain the RSS facility placement. The individual must demonstrate the need to continue to maintain the placement in the RSS facility during the institutional placement, and that the RSS facility will reserve the individual's space. A written statement from the RSS facility to this effect is necessary.
 - (e) Evidence documenting that the criteria listed in paragraphs (G)(2)(a) to (G)(2)(d) of this rule have been met must be provided by the earlier of:
 - (i) Ninety days after the date of admission to the institution; or
 - (ii) The day of release from the institution.
 - (f) Individuals in receipt of supplemental security income (SSI) must provide

verification that the social security administration (SSA) has approved continued SSI benefits.

- (3) The CDJFS shall continue RSS payments to all individuals meeting the criteria in paragraph (G)(2) of this rule.
 - (4) RSS payments and personal income are exempt from consideration as income in the long term care patient liability calculation for individuals entering a LTCF.
 - (a) This income exemption continues through the last day of the month in which the temporary period of institutional placement ends.
 - (b) Effective the following month, if the RSS individual remains in an institutional placement, the CDJFS must stop the RSS payment and count the individual's income in the patient liability calculation.
 - (5) Any RSS payments made under the continued benefit provision are not overpayments if the recipient's actual stay exceeds the expected stay of ninety days or less.
 - (6) Prior notice is not required to stop RSS payments and start vendor payments to a long term care facility.
- (H) If the license or certification of the RSS living arrangement expires or is suspended or revoked, and a new alternative living arrangement is not secured for the individual, the RSS case is terminated.
- (1) Upon notification that the RSS living arrangement's license or certification has expired or has been suspended or revoked, the CDJFS must provide prior notice that the individual's RSS eligibility will be terminated because the individual no longer resides in an RSS living arrangement.
 - (2) When the living arrangement's license or certification has been renewed, the RSS payment may be made retroactive to the effective date of the living arrangement's recertification, as long as all other RSS eligibility factors are met.

Effective:

Five Year Review (FYR) Dates: 10/16/2015

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5163.02
Rule Amplifies: 5162.03, 5163.02, 5119.41
Prior Effective Dates: 7/15/82 (Emer.), 12/1/82, 1/1/89 (Emer.), 3/6/89,
4/1/89, 9/12/91, 1/30/94, 10/1/02, 7/1/11 (Emer.),
9/29/11