



## Ohio Administrative Code

### Rule 5160:1-6-02.3 Medicaid: continuing care retirement communities, life care communities, and philanthropic long-term care facilities.

Effective: January 1, 2024

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(A) The purpose of this rule is to describe the eligibility requirements for individuals residing in a continuing care retirement community (CCRC), life care community, or a philanthropic long-term care facility (PLTCF).

(B) Definitions.

(1) "CCRCs" and "life care communities" mean housing communities that provide different categories of care based on each resident's need over time. CCRCs and life care communities may range from independent living in an apartment, to assisted living, to full-time care in a nursing facility. Residents may move from one setting to another, based on their needs, but continue to live as part of the community. Generally, CCRCs require a written contract and an entrance fee, in addition to monthly fees. CCRCs and life care communities may also be PLTCFs.

(2) "Entrance fee" means a payment generally required for admission to a CCRC, life care community, or PLTCF and may vary in amount based on the type of housing accommodations and/or category of care.

(3) "PLTCF" means a not-for-profit long-term care facility.

(C) For purposes of determining or redetermining eligibility for medical assistance, an individual's entrance fee for admission to a CCRC or life care community shall be considered an available resource to the individual, in accordance with 42 U.S.C. 1396p (as in effect October 1, 2023), when all of the following conditions are met:

(1) The entrance fee can be used to pay for care, under the terms of the entrance contract, when other resources or income of the individual are insufficient; and

(2) The individual is eligible for a refund of any remaining entrance fee when the individual dies or



terminates the contract and leaves the CCRC or life care community; and

(3) The entrance fee does not confer an ownership interest in the CCRC or life care community.

(D) Eligibility for medical assistance for individuals residing in a PLTCF.

(1) An individual residing in a PLTCF who has not entered into a life care contract must have eligibility for medical assistance determined in accordance with Chapter 5160:1-6 of the Administrative Code and the entrance fee paid to the PLTCF shall be considered an available resource.

(2) An individual residing in a PLTCF, who has entered into a life care contract with the PLTCF, is eligible for medical assistance, and the entrance fee shall not be considered an available resource, when all other eligibility requirements for medical assistance are fulfilled, and the following conditions are met:

(a) The PLTCF must provide evidence that it is financially unable to operate. The PLTCF must show that the total financial situation of the facility indicates an inability to fulfill its responsibilities under the life care contract; and

(b) The entrance fee would be depleted had the individual paid the facility at the medicaid long-term care rate for a comparable facility.