



Ohio Administrative Code

Rule 3701-44-03 Eligibility for benefits under the Ryan White part B program.

Effective: April 1, 2019

(A) To be eligible for benefits under the Ryan White part B program, an individual shall meet all of the following requirements:

(1) The individual must be an Ohio resident;

(2) The individual must have a verified HIV infection; and

(3) Applicants to the Ryan White part B programs must meet the following financial guidelines to be eligible:

(a) The individual or individual's family gross income must be equal to or less than five hundred per cent of the federal poverty level (FPL) published in the federal register on or before the first of April of each calendar year. When possible, these income calculations may be made using modified adjusted gross income (MAGI);

(b) The calculations shall exclude taxes and any mandatory retirement deduction.

(B) The director may deny an individual's application, or terminate an individual's program enrollment, or deny an individual's access to specific services, if the director determines:

(1) There are insufficient funds;

(2) With consideration given to the continuity of care, the individual does not meet the eligibility guidelines set forth in paragraph (A) of this rule;

(3) The individual submitted false or misleading information;

(4) The individual abused or misused an approved benefit; or



(5) The individual failed to apply for or use or disclose other available resources to which the individual has access to pay for services otherwise paid for by Ryan White part B.

(C) Pursuant to 42 U.S.C. 300ff-21 (2009) and 42 U.S.C. 300ff-22 (2009), the Ryan White part B program funds are federal grants. If, at any time, there is insufficient funding to sustain the current Ryan White part B programs, the director, pursuant to division (D) of section 3701.241 of the Revised Code, as necessary for the effective administration of available funds to the Ryan White part B programs, may, upon thirty-day notice to affected clients, restrict, reduce, or eliminate existing programs. If the director restricts or reduces existing programs by changing the maximum income threshold set forth in paragraph (A)(3)(a) of this rule, the director shall not set the maximum income threshold below three hundred per cent of the federal poverty level.

(D) An individual may seek reconsideration of a decision that is based on other than the insufficiency of program funds pertaining to the Ryan White part B programs.

(1) An individual seeking reconsideration of a decision listed in paragraphs (B)(2) to (B)(5) of this rule shall file a written request for reconsideration with the department. The request for reconsideration must be received within thirty days from the date the individual received a decision. The request for reconsideration must contain a statement of the reasons that the individual believes that the decision is incorrect or inconsistent with the Ryan White part B program guidelines, and may include any written documentation, arguments, or other materials that the affected party wishes to submit for the purposes of the reconsideration.

(2) Upon receiving a timely request for reconsideration, the director shall:

(a) Review the information submitted within thirty days of receipt of the request. The director may request additional information which extends the review time. Except for good cause, additional information shall be submitted to the director within forty-five days of receiving a request for additional information.

(b) Render a written decision to the requestor of the reconsideration within thirty days of the receipt of the request for reconsideration or receipt of additional information, whichever is later. The written



decision shall include the reasons for the decision. The decision of the director is final and there is no further review.

(E) The Ryan White part B program is the payer of last resort.