



## Ohio Administrative Code

### Rule 5160-41-05 Waiting lists for home and community-based services administered by the Ohio department of developmental disabilities.

Effective: April 1, 2022

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#### (A) Purpose

This rule sets forth the requirements of a county board of developmental disabilities to establish and maintain a waiting list for home and community-based services.

#### (B) Definitions

(1) "County board" means a county board of developmental disabilities established under Chapter 5126. of the Revised Code with local administrative authority.

(2) "DODD" means the Ohio department of developmental disabilities established under section 121.02 of the Revised Code.

(3) "Home and community-based services" means services provided under a medicaid-funded waiver pursuant to section 5166.04 of the Revised Code.

(4) "ODM" means the Ohio department of medicaid.

(5) "Waiting lists" means a list established and maintained in accordance with rule 5123-9-04 of the Administrative Code.

#### (C) Requirements

(1) County boards shall establish and maintain waiting lists for home and community-based services in accordance with rule 5123-9-04 of the Administrative Code.

(2) There shall be no waiting list for the following services:



(a) Medicaid state plan services.

(b) Home and community-based services for individuals already enrolled in a home and community-based services waiver administered by DODD who are assessed and determined to have a need for the services covered by the waiver in which the individual is enrolled.

(c) Home and community-based services to children who are subject to a determination under section 121.38 of the Revised Code and require the services.

(D) DODD shall monitor compliance with this rule by the county boards and their contract agencies.

(E) Due process.

(1) Whenever an applicant for or enrollee of a waiver program administered by DODD is affected by any action proposed or taken by DODD and/or ODM, or when action is recommended by the county board, the entity recommending or taking the action will provide medicaid due process in accordance with section 5101.35 of the Revised Code through the state fair hearing process, and as specified in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code. Such actions may include, but are not limited to, the approval, denial, or termination of enrollment or a denial or change in the level, and/or type of waiver services delivered to a waiver enrollee.

(2) If an applicant or enrollee requests a hearing, as specified in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, the participation of DODD and the county board is required during the hearing proceedings to justify the decision under appeal.