Ohio Revised Code
Section 173.542 Home first component of the assisted living program.
Effective: September 29, 2018
Legislation: House Bill 49 - 132nd General Assembly

(A) Unless the medicaid-funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the assisted living program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the assisted living program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under section 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and
family services under section 5126.31 of the Revised Code or has made a request to a county
department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly
documented in writing that, unless the individual is enrolled in home and community-based services
such as the assisted living program, the individual should be admitted to a nursing facility.

(B) Each month, each area agency on aging shall identify individuals residing in the area that the
area agency on aging serves who are eligible for the home first component of the assisted living
program. When an area agency on aging identifies such an individual and determines that there is a
vacancy in a residential care facility participating in the medicaid-funded component of the assisted
living program that is acceptable to the individual, the agency shall notify the long-term care
consultation program administrator serving the area in which the individual resides. The
administrator shall determine whether the assisted living program is appropriate for the individual
and whether the individual would rather participate in the assisted living program than continue or
begin to reside in a nursing facility. If the administrator determines that the assisted living program is
appropriate for the individual and the individual would rather participate in the assisted living
program than continue or begin to reside in a nursing facility, the administrator shall so notify the
department of aging. On receipt of the notice from the administrator, the department shall approve
the individual's enrollment in the medicaid-funded component of the assisted living program
regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the
enrollment would cause the component to exceed any limit on the number of individuals who may
participate in the component as set by the United States secretary of health and human services in the
assisted living waiver.