

**OhioMHAS Bureau of Recovery Supports
Residential State Supplement (RSS)
Eligible Living Arrangement Approval Procedure**

Introduction

RSS provides financial assistance to adults who have increased needs due to a disability and need at least a Protective Level of Care, which is not severe enough to require long term care in an institution, such as a nursing home or hospital. Individuals use RSS to pay the monthly allowable fee for accommodations, supervision, and personal care services at eligible living arrangements. OhioMHAS administers RSS and is responsible for determining program eligibility criteria and policies, including eligible living arrangements for participation. Effective July 1, 2017, *Ohio Administrative Code 5122-36-02(E)* defines eligible living arrangement as:

“The individual must be accepted for placement or residing in an approved community living arrangement. The appropriate living arrangements are:

- (1) A class two residential facility of the type defined in paragraph (B)(1)(b) section 5119.34 of the Revised Code, that is licensed by and in good standing with the Ohio department of mental health and addiction services; or,
- (2) Either a "residential care facility" as defined in section 3721.01 of the Revised Code, that is licensed and in good standing with the Ohio department of health under either section 3721.02 of the Revised Code, or an assisted living program as defined in section 173.54 of the Revised Code, if either of the following conditions occur, the living arrangement:
 - (a) Is in a county where there are no class two residential facilities licensed by the Ohio department of mental health and addiction services; or,
 - (b) There are no open beds in licensed class two residential facilities within the county that provide housing to individuals with mental illness.

Individuals enrolled in the RSS program on the effective date of this rule may continue to reside in the living arrangement they are in on that date without regard to the living arrangement’s eligibility pursuant to this paragraph.”

In gap areas of the state, there are no ACF’s available and Residential Care Facilities (RCF’s) are the most integrated setting available to provide the appropriate level of care for individuals. This procedure is to provide guidance regarding how *OAC 5122-36-02(E)* should be considered for individuals applying for RSS. Individuals enrolled in the RSS program on the effective date of this rule may continue to reside in the living arrangement they are in as of that date without impact to their benefits.

Definitions

<i>Adult Care Facility (ACF)</i>	Adult Care Facilities (ACF’s) and Adult Foster Homes (AFoH’s) are homes licensed by OhioMHAS to provide accommodations, supervision, and personal care services for up to sixteen individuals.
<i>Gap Area</i>	Geographical area with no licensed ACF’s in the county, which may also include counties where there are licensed ACF’s, but they have no available beds, do not provide housing to individuals with mental illness, or do not meet an individual’s needs.
<i>Good Standing</i>	In reference to licensure status, meaning a current and valid license with ODH, including, but not limited to, no proposed actions to deny, revoke, or refuse to renew the facility’s license; no outstanding plans of correction; no orders suspending admission of residents; and no pending civil penalties.
<i>Living Arrangements</i>	RSS-eligible living arrangements include OhioMHAS-licensed Adult Care Facilities and Adult Foster Homes licensed for up to sixteen individuals. Residential Care Facilities licensed for at least seventeen individuals may be considered eligible living arrangements as determined on a case-by-case basis by OhioMHAS.
<i>ODH</i>	Ohio Department of Health, www.odh.ohio.gov
<i>OhioMHAS</i>	Ohio Department of Mental Health and Addiction Services, www.mha.ohio.gov

**OhioMHAS Bureau of Recovery Supports
Residential State Supplement (RSS)
Eligible Living Arrangement Approval Procedure**

<i>Protective Level of Care (LOC)</i>	Level of Care needs as defined by the Ohio Department of Medicaid; <i>Ohio Administrative Code 5160-3-06</i> http://codes.ohio.gov/oac/5160-3-06 .
<i>Residential Care Facility (RCF)</i>	Residential Care Facilities (RCF's), also known as "Assisted Living", are licensed by the Ohio Department of Health (ODH) to provide accommodations, supervision, and personal care services to least seventeen individuals. RCF's may also provide some skilled nursing care on a limited basis per <i>Ohio Revised Code 3721.011</i> http://codes.ohio.gov/orc/3721.011 .

Procedure

- a) OhioMHAS shall inform all individuals applying for RSS who have selected RCF's as their residences that those settings are not eligible living arrangements for the program.
- b) If the applicant resides in a gap area, OhioMHAS will describe the Eligible Living Arrangement Approval Procedure to the RSS referral source.
- c) If the applicant chooses to move forward, OhioMHAS will schedule a conference call with the RCF to explain the Eligible Living Arrangement Procedure and confirm reasons why the individual has not selected an eligible living arrangement.
- d) The RCF will submit a letter requesting the Eligible Living Arrangement Approval directly to OhioMHAS within ten (10) business days, which will include the facility's license number and the number of licensed beds. The letter will apply only to the individual requesting approval, not the facility. The letter should be sent via encrypted email to RSS@mha.ohio.gov, fax to 614-485-9747, or US mail to Deena Mavromatis c/o OhioMHAS, 30 E. Broad St., 36th floor, Columbus, OH, 43215.
- e) Upon receipt of the letter, OhioMHAS will confirm whether the RCF's licensure is active and in good standing with ODH (http://publicapps.odh.ohio.gov/eid/Provider_Search.aspx).
- f) If it is reported that ACF's in an individual's county of residence have no available beds or do not provide housing to individuals with mental illness, then OhioMHAS will contact the ACF's directly to confirm there is no housing available in an eligible living arrangement.
- g) If approved, OhioMHAS will send letters for the Eligible Living Arrangement Approval to the individual, legal guardian (if applicable), and the RCF. A copy of the letter will be also placed in the individual's RSS file.
- h) If denied, OhioMHAS will send letters of the decision to the individual, legal guardian (if applicable), and the RCF. A copy of the letter will also be placed in the individual's RSS file. If the individual requesting the Eligible Living Arrangement Approval believes the determination has been reached in error, he or she will have 30 days from the date of the denial letter to submit a dispute in writing to OhioMHAS.
- i) If the approval is granted, it will be applicable to the individual only while he or she remains in the approved RCF. If the individual chooses another RCF while enrolled in RSS, the Eligible Living Arrangement Approval Procedure must be initiated.

Reasons for Approval

The reasons for approval may include those listed below. OhioMHAS may consider other reasons on a case-by-case basis.

- The individual resided in a gap area prior to the effective date of the RSS rule change, July 1, 2017. (Please note that no request for waiver is necessary if already living in an RCF prior to the rule change).
- The individual resides in a gap area as defined in this procedure.

Reasons for Denial

The reasons for denial may include those listed below. OhioMHAS may consider other reasons on a case-by-case basis.

- The individual was not living in an RCF prior to the effective date of the RSS rule change, July 1, 2017.
- The individual does not reside in a gap area as defined in this procedure.
- The appropriate documentation was not submitted to OhioMHAS as requested within ten business days, including the letters of support or request for the Eligible Living Arrangement Approval.