

(A) Purpose

The purpose of this rule is to set forth the coverage for emergency assistance ~~services~~ under the HCBS level one waiver administered by the department and the eligibility for receiving emergency assistance ~~services~~.

(B) Definition

"Emergency assistance" means an increased level of ~~any HCBS level one waiver service defined in Chapter 5123:2-8 of the Administrative Code, except for informal respite as defined in rule 5123:2-8-03 of the Administrative Code and supported employment as defined in rule 5123:2-8-05 of the Administrative Code~~ homemaker/personal care, institutional respite, environmental accessibility adaptations, specialized medical equipment and supplies, transportation, or personal emergency response systems. Emergency assistance ~~services~~ shall be used for interim services up to the maximum reimbursement amount until the emergency situation has been resolved or the individual is transferred to alternative residential supports applicable to the individual's assessed needs including an ICF/MR or applicable supports under an alternative HCBS waiver for which the individual is eligible and a slot is available. The benefit package in the level one waiver includes a limitation of eight thousand dollars for emergency assistance over ~~the~~ a three-year period ~~of the waiver~~.

(C) Eligibility for emergency assistance

- (1) An individual enrolled in the HCBS level one waiver shall be subject to one of the following situations to be eligible for emergency assistance:
 - (a) Involuntary loss of present residence for any reason, including legal action;
 - (b) Loss of present caregiver for any reason, including death of caregiver or change in caregiver's mental or physical status resulting in the caregiver's inability to perform effectively for the individual;
 - (c) Abuse, neglect, or exploitation of the individual;
 - (d) Health and welfare conditions that pose a serious risk to the individual of immediate harm or death; or
 - (e) Significant changes in the emotional or physical condition of the individual that necessitate substantial, expanded accommodations that

cannot be reasonably provided by the individual's existing caregiver.

- (2) Eligibility, as specified in paragraphs (C)(1)(a) to (C)(1)(e) of this rule, for emergency assistance shall be determined through the ISP process for the individual.
- (3) Emergency assistance ~~services~~ shall be provided pursuant to the ISP for the individual.
- (4) If the individual is determined to be eligible for emergency assistance, then the SSA, through the ISP process, shall ~~authorize~~ recommend emergency assistance funds in an amount not to exceed eight thousand dollars. The eight thousand dollars is cumulative for each individual enrolled in the HCBS level one waiver for ~~the a~~ three-year period ~~of the waiver~~.
- (5) If the individual's or the individual's guardian's request for emergency assistance is denied, the county board will give the individual or the individual's guardian notice of due process and hearing rights under section 5101.35 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

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Certification

Date

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