



*Helping Older Persons With
Legal & Long-Term Care
Problems*

Assisted Living Waiver Program

1. What Is The Assisted Living Waiver (ALW) Program?

Ohio's Assisted Living Waiver (ALW) Program permits Medicaid to help pay for care provided to Ohio residents living in an assisted living facility. The facility must be certified to provide care under the ALW by the Ohio Dept. of Aging. [1] Assisted living facilities provide an alternative to nursing facility care that promotes a resident's independence, choice and privacy. Residents are provided with a private, independent living apartment. [2]

2. What Services Does The ALW Program Provide?

The ALW provides assisted living services such as personal care, nursing, laundry, housekeeping, medication assistance, meals, nonmedical transportation, social and recreational programming and 24/7 staff support. [3] [4] [5] [6] [7] The program can also provide Community Transition Services, based on need, that can pay expenses for an individual to transition from a nursing facility to an assisted living facility. [8]

3. Who Provides The ALW Program Services?

Facilities participating in the ALW must be both licensed as a residential care facility by the Ohio Dept. of Health and certified by the Ohio Dept. of Aging as an Assisted Living Waiver Provider. Your Passport Administrative Agency (PAA) is also your local Area Agency on Aging. [9] [10] [11]

Find your local AAA at <http://www.ohioaging.org/pages/area%20agencies>. The PAA can help you locate and arrange services with an assisted living facility that has been approved to participate in the ALW program. Participating facilities can be located through the Ohio Long-Term Care Consumer Guide available at: <http://ltc.ohio.gov/FacilitySearch.aspx>.

4. How Do I Become Eligible For The ALW Program?

You must undergo an assessment to determine if you require an intermediate level-of-care by needing:

- 1) Hands-on assistance with at least two of the following activities of daily living (ADL): mobility, bathing, toileting, dressing, grooming or eating;
- 2) Assistance with one ADL and medication administration;
- 3) At least one skilled nursing or rehab service; or
- 4) 24-hour support to prevent harm due to a cognitive impairment. [\[12\]](#) [\[13\]](#) [\[14\]](#)

You must also be at least 21 years old, reside in a residential care facility, meet the ALW financial eligibility requirements, (including being able to pay the monthly room and board payment) and have care needs that can be safely met in a residential care facility without exceeding cost limits for the program. [\[15\]](#) [\[16\]](#) [\[17\]](#) [\[18\]](#)

5. What Are The Financial Eligibility Requirements For The ALW Program?

The resource standard for the ALW is the same standard for nursing facility Medicaid. You can have no more than \$1,500 in countable resources. [\[19\]](#) [\[20\]](#) If you have a spouse living in the community, your spouse can keep half of the total countable resources if that amount is between a minimum of \$23,448 and a maximum of \$117,240. See our Institutional Medicaid Pamphlet for more details. In addition, your gross income cannot exceed \$2,163 (300% of the SSI standard).

If your income exceeds that amount, you may still be eligible for the ALW if your countable income is equal to or less than the Medicaid need standard of \$632/month after applying certain exemptions and disregards, including a \$20 income disregard, and subtracting medical insurance premiums, unpaid past medical or recurring expenses, and your Medicaid cost of care. In addition, if your income is still too high, it may be possible to use a qualifying income trust to further reduce countable gross income to become eligible for the ALW. [\[21\]](#) [\[22\]](#) [\[23\]](#) [\[24\]](#)

6. What Does The ALW Program Pay For?

Medicaid only pays for the cost of your medical and personal need services. It does not pay for room and board. [\[25\]](#) [\[26\]](#) If you are unable to pay the room and board rate, you will need to apply for Supplemental Security Insurance (SSI) Benefits. Depending on your income, you may also be required to pay a monthly patient liability toward the cost of services. The county Department of Jobs and Family Services (CDJFS) determines if you have a patient liability. The amount of the patient liability can be reduced by health insurance premiums or unpaid medical expenses. [\[27\]](#) [\[28\]](#)

7. What Is The Room And Board Rate?

The room and board rate is the SSI federal benefit rate, \$721, minus \$50, which is your personal needs allowance, for a total of \$671 per month. The room and board rate covers a single occupancy living unit. You must pay the room and board fee directly to the facility every month. [\[29\]](#) [\[30\]](#) [\[31\]](#)

8. How Do I Apply For The ALW Program?

You can contact your local PAA for an in-person consultation by calling 1-866-243-5678. A Care Manager will perform an assessment, go over your care options and determine if you meet the required ALW level-of-care. Your CDJFS will determine if you meet the financial eligibility requirements. [\[32\]](#) [\[33\]](#) [\[34\]](#) There are only a limited number of ALW slots available statewide, facilities may not be certified or have a bed available and even if a facility has an open ALW slot, it may not accept you as a resident. [\[35\]](#)

9. When Will I Be Enrolled In The ALW Program?

Your enrollment date is not effective as of the date of your application and there is no retroactivity. Your enrollment date is the latest date that all of the following conditions are met:

- 1) Your basic Medicaid effective date;
- 2) The date you meet level-of-care requirements;
- 3) The date you meet all ALW requirements;
- 4) The date your PAA approves a service plan that includes at least one waiver service; and
- 5) The date you reside in a certified assisted living facility. [\[36\]](#)

10. What If A Waiver Slot Is Not Available?

You may be enrolled in the ALW when a waiver slot becomes available by one of two means: the unified waiting list, or the Home First component. [\[37\]](#) [\[38\]](#) [\[39\]](#) You qualify for the Home First component if:

- 1) You reside in a nursing facility;
- 2) A doctor documents that you will require nursing facility admission within 30 days if you are not enrolled in the ALW;
- 3) You have been hospitalized and a doctor documents that you require admission to a nursing facility; or
- 4) You are the victim of abuse, neglect or exploitation reported to Adult Protective Services and would otherwise be admitted to a nursing facility. [\[40\]](#)

11. What Responsibilities Does My Care Manager Have?

Your PAA care manager monitors service delivery, eligibility for the waiver program, coordinates services not delivered by the facility and offers assistance to meet your care needs and help you maintain a high quality of life. [\[41\]](#)

12. What Is The ALW Provider Rate Setting?

This is the amount the facility is reimbursed by Medicaid to provide for your daily medical and care needs. Provider rates are based on a 3-tier model. Your initial tier or rate will be determined by your care manager from the PAA based on an assessment of your needs in four areas: cognitive functioning, medication administration, nursing services, and functional impairments. The tier 3 rate of \$69.98/day is the maximum allowable reimbursement rate. Your PAA care manager, working with the facility staff, will monitor your needs and may change your tier level over time. [\[42\]](#) [\[43\]](#)

13. What If I No Longer Meet The ALW Eligibility Requirements While Living In A Facility?

If, at any time, you no longer meet any of the eligibility requirements under the ALW, you can be disenrolled from the program, but you must receive notice and you have a right to appeal. [\[44\]](#) Your case manager from PAA can educate you about your appeal rights or can assist you with an appropriate discharge plan. [\[45\]](#) [\[46\]](#)

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Endnotes:

- [1] [O.A.C. § 5160-33-05](#) (formerly 5101:3-33-05) Provider Conditions of Participation for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [2] [O.A.C. § 173-39-02.16](#) Assisted living service
- [3] [O.A.C. § 5160-33-06](#) (formerly 5101:3-33-06) Covered Services for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [4] [O.A.C. § 173-38-05](#) Covered Services
- [5] [O.A.C. § 173-39-02.16](#) Assisted living service
- [6] [O.R.C. § 173-51](#) Definitions for the PASSPORT programs
- [7] [O.R.C. § 173.547](#) Staff Requirements for Assisted Living Program Facility
- [8] [O.A.C. § 173-39-02.17](#) Community Transition Service
- [9] [O.A.C. § 173-39-02.16](#) Assisted Living Service
- [10] [O.A.C. § 5160-33-05](#) (formerly 5101:3-33-05) Provider Conditions of Participation for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [11] [O.A.C. § 173-38-04](#) Provider Certification
- [12] [O.A.C. § 5160-3-08](#) (formerly 5101:3-3-08) Criteria for Nursing Facility-Based Level of Care

- [13] [O.A.C. § 5160-3-05](#) (formerly 5101:3-3-05) Level of Care Definitions
- [14] [O.A.C. § 5160-33-02](#) (formerly 5101:3-33-02) Definitions for the Assisted Living Home and Community Based Services Waiver (HCBS) Program
- [15] [O.R.C. §173.541](#) Eligibility for Assisted Living Program
- [16] [O.R.C. § 173.544](#) Eligibility for State-Funded Component
- [17] [O.R.C. § 173.546](#) Assessments
- [18] [O.A.C. § 5160-33-03](#) (formerly 5101:3-33-03) Eligibility for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [19] [O.A.C. § 5160-33-03](#) Eligibility for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [20] [O.A.C. § 5160:1-02-01.8](#) (formerly 5101:1-38-01.8) Medicaid: Conditions of Eligibility for Each Applicant or Recipient
- [21] [O.A.C. § 5160:1-3-05](#) (formerly 5101:1-39-05) Medicaid: Resource Requirement
- [22] [O.A.C. § 5160:1-3-22](#) Medicaid: Treatment of Income and Resources of Institutionalized Individuals
- [23] [O.A.C. § 5160:1-3-35](#) Resource Assessment
- [24] [O.A.C. § 5160:1-3-23](#) (formerly 5101:1-39-23) Medicaid Income Computations for Eligibility Using the Special Income Limit
- [25] [O.A.C. § 5160-33-03](#) (formerly 5101:3-33-03) Eligibility for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [26] [O.A.C. § 5160-33-02](#) (formerly 5101:3-33-02) Definitions for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [27] [O.A.C. § 5160:1-3-24.1](#) (formerly 5101:1-39-24.1) Medicaid: Income and Patient Liability Determinations for Individuals Under the Assisted Living Home and Community Based Waiver
- [28] [O.A.C. § 5160:1-3-24](#) Medicaid: Determining Patient Liability
- [29] [O.A.C. § 5160-33-03\(B\)\(6\)](#) (formerly 5101:3-33-03) Eligibility for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [30] [O.A.C. § 173-39-02.16](#) Assisted Living Service

- [31] [O.A.C. § 5160-33-02](#) (formerly 5101:3-33-02) Definitions for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [32] [O.A.C. § 173-38-03](#) (effective 3/1/14) Assisted Living Program (Medicaid-funded component): Enrollment Process for Individuals
- [33] [O.A.C. § 5160-33-04](#) (formerly 5101:3-33-04) Enrollment Process for Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [34] [R.C. § 173.546](#) Assessments
- [35] [R.C. § 173.54](#) Medicaid-Funded Component of Assisted Living Program; See also, [Assisted Living Waiver Program Consumer's Guide](#), Ohio Dept. of Aging, Appendix D, FAQs at p. 17 (Sept. 2011).
Q: Must the provider accept me if I am referred to its facility?
A: No. Assisted Living Waiver program providers are not required to accept every referral, nor are they required to accept referrals based on the date of application.
- [36] [O.A.C. § 173-38-03](#) (Amended, effective 3/1/14) Assisted Living Program (Medicaid-Funded Component): Enrollment Process for Individuals; See also, [2/28/14 Memo to PASSPORT Site Directors from Hope Roberts, Chief, Division for Community Living, Ohio Department of Aging](#); See also, [O.A.C. § 5160:1-02-01.6](#) Medicaid: Application for Home and Community-Based Services (HCBS) Regarding Coverage Period.
- [37] [O.A.C. § 173-38-03](#) Assisted Living Program Enrollment Process for Individuals
- [38] [O.R.C. § 173.55](#) Waiting List for Department of Aging-Administered Medicaid Waiver Components and the PACE Program
- [39] [O.A.C. § 173-44-04](#) Unified Waiting List
- [40] [O.R.C. § 173.542](#) Home First Component of the Assisted Living Program
- [41] [O.A.C. § 5160-33-02](#) Definitions for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [42] [O.A.C. § 5160-33-07](#) Assisted Living Home and Community Based Services (HCBS) Waiver Rate Setting
- [43] [O.A.C. § 5160-1-06.5](#) Home and Community Based Services (HCBS) Waivers: Assisted Living with Appendix of Assisted Living Waiver Rates
- [44] [O.A.C. § 5160-33-03](#) (formerly 5101:3-33-03) Eligibility for the Assisted Living Home and Community Based Services (HCBS) Waiver Program

[45] [O.R.C. § 173.545](#) Appeals

[46] [O.R.C. § 173.56](#) Rules