



Ohio Administrative Code

Rule 5122-36-04 Responsibilities of the living arrangement.

Effective: September 3, 2022

(A) A living arrangement described in paragraph (A)(5) of rule 5122-36-02 of the Administrative Code is eligible to accept RSS payments from an individual who receives RSS payments only if all of the following are the case:

(1) The living arrangement accepts the allowable fee in rule 5122-36-05 of the Administrative Code as payment in full for all accommodations, supervision, and personal care services the living arrangement provides to an individual who receives RSS payments. The living arrangement will not request additional payment for these services from the individual, the individual's representative, the individual's family, or any other local, state, or federal agency.

(2) The living arrangement provides OhioMHAS or its designee with access to any RSS records pertaining to the individual receiving RSS payments.

(3) The living arrangement allows each individual receiving RSS payments to meet privately with OhioMHAS or its designee.

(4) The living arrangement notifies OhioMHAS or its designee at least ten days before transferring or discharging an individual receiving RSS payments to another living arrangement.

(5) The living arrangement notifies OhioMHAS or its designee of any significant changes in the status of an individual receiving RSS payments that might affect that individual's needs.

(6) The living arrangement does not act as legal guardian or attorney-in-fact under a power of attorney for any individual receiving RSS payments unless it was appointed guardian or named attorney-in-fact before July 1, 2000.

(7) The living arrangement does not act as a representative payee for RSS payments.



- (8) The living arrangement maintains the required licensure described in paragraph (A)(5)(a) or (b) of rule 5122-36-02 of the Administrative Code.
- (9) The living arrangement responds to and cooperates with the OhioMHAS quarterly RSS resident verification process concerning individuals enrolled in the program.
- (10) The living arrangement returns any RSS payment that it receives for an individual who was disenrolled from the program or left the living arrangement before the beginning of the month for which the payment was made.
- (11) The living arrangement gives a prorated portion of any RSS payment to an individual who finds it necessary to leave the living arrangement before the end of the month for which the payment was made. The living arrangement is to pay even if the individual fails to give the minimum notice of departure that an admissions agreement or other contract between the living arrangement and the individual requires.
- (12) The living arrangement permits each individual receiving RSS payments to have daily access to the individual's personal funds during regularly-scheduled office hours, as specified in a posted notice that is available to each individual.
- (13) The living arrangement has each individual receiving RSS payments sign receipts for all funds exchanged between the individual and the living arrangement including those pertaining to payment for care, spending money, and any purchases the living arrangement makes on the individual's behalf. Additionally, the living arrangement will provide each individual with a quarterly itemized account statement, and, if the individual gives the living arrangement permission to do so, provide OhioMHAS's designee with this statement.
- (14) The living arrangement provides transportation for each individual receiving RSS payments as needed.
- (15) The living arrangement refrains from charging an individual receiving RSS payments more than the usual and customary rate for furnishing transportation or purchasing items.



(16) The living arrangement provides for the needs of an individual receiving RSS payments as determined by OhioMHAS's designee. If the living arrangement cannot meet the individual's needs, it will cooperate with OhioMHAS's designee to relocate the individual to a living arrangement that can meet the individual's needs.

(B) OhioMHAS may determine that a living arrangement is responsible for repaying an RSS payment the living arrangement has received on or after the date the individual to whom the payment relates became ineligible for RSS or the individual moved from the eligible living arrangement. The living arrangement is to return the funds by sending a check or money order, made payable to the "Ohio Treasurer of State," to: RSS Return Payments, c/o OhioMHAS, 30 E. Broad Street, 36th Floor, Columbus, Ohio 43215. The full name of the individual to whom the payment relates, as well as the time period for which the returned payment covers, is to be applied on the memo line of the check or money order.

A return of funds described in this paragraph is to be made not later than thirty days after the date the individual to whom the payment relates became ineligible for RSS or the individual moved from an eligible living arrangement.