



## Ohio Administrative Code

### Rule 5160-1-33 Medicaid: authorized representatives.

Effective: January 13, 2017

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#### (A) Designation of an authorized representative.

(1) ) An individual may designate any person or organization to serve as that individual's authorized representative. Any person serving as an authorized representative must be at least eighteen years or older.

(2) Authority for a person or organization to act on behalf of the individual accorded under state law, including but not limited to, a court order establishing legal guardianship, must be treated as a written designation by the individual of authorized representation.

(3) The designation of an authorized representative must be in writing, and must identify what duties the individual is authorizing the representative to perform.

(4) If the designated authorized representative is unwilling or unable to accept the responsibility of being an authorized representative, the authorized representative must inform the administrative agency and the individual of the refusal or withdrawal.

#### (B) The authorized representative:

(1) Must present proper identification, if requested by the administrative agency, prior to the disclosure of medicaid information to the authorized representative.

(2) Must agree to maintain or be legally bound to maintain the confidentiality of any information regarding the individual provided by the administrative agency.

(3) Will receive copies of notices and correspondence sent to the individual by the administrative agency.



(4) Stands in the place of the individual. Any responsibility of the individual is a responsibility of the authorized representative. Any action taken by the authorized representative or failure to act will be accepted as the action or lack of action of the individual.

(5) Shares all responsibilities set out in rule 5160:1-2-08 of the Administrative Code.

(C) The administrative agency may contact the individual to clarify or verify information provided by an authorized representative if the authorized representative provides information that seems contradictory, unclear, or unrealistic.

(D) The administrative agency may choose not to contact the authorized representative if the administrative agency believes that the authorized representative might endanger the individual in a situation of domestic violence, abuse, or neglect in accordance with 45 C.F.R. 164.502(g)(5) (as in effect October 1, 2015).

(E) If the authorized representative is a provider or staff member or volunteer of an organization, the authorized representative must affirm that he or she will adhere to the regulations in 42 C.F.R. Part 431 Subpart F (as in effect October 1, 2015), 42 C.F.R. 447.10 (as in effect October 1, 2015), 45 C.F.R. 155.260(f) (as in effect October 1, 2015), as well as other relevant state and federal laws concerning conflicts of interest and confidentiality of information.

(F) The power to act as authorized representative is valid until the individual notifies the administrative agency that the authorized representative is no longer authorized to act on his or her behalf, or the authorized representative informs the administrative agency the he or she no longer is acting in such capacity, or there is a change in the legal authority upon which the authorized representatives authority was based. Such notice should include the applicant or authorized representatives signature as appropriate.

(G) Assistance from persons or organizations who are not authorized representatives.

(1) A person or organization may accompany and assist an individual with portions of the application, verification, or redetermination process without being an individual's authorized representative.



(2) The administrative agency must not reveal confidential information or send notices or correspondence to a person or organization who is assisting an individual, unless the person or organization is designated as an authorized representative.

(3) A person or organization who is assisting an individual must provide accurate information to the administrative agency, to the best of his or her knowledge, regardless of whether the person or organization is an authorized representative.