



Ohio Administrative Code Rule 5907-5-01 Assessment of fees.

Effective: August 8, 2016

Residents of the Ohio veterans' homes shall be assessed a fee to pay a portion of the expense of their support. The fee assessed shall be based upon each resident's ability to pay, as provided herein, and upon the actual average per diem cost incurred by the Ohio veterans' homes in the support and care of each resident. In no case shall the fee assessed any resident exceed the difference between the per diem amount paid to the state of Ohio on behalf of such resident, whether by the department of veterans' affairs or other sources, and the actual average per diem cost incurred by the Ohio veterans' homes. Assessment shall be subject to the following provisions:

(A) Residents shall be assessed a fee based on all income. For the purpose of these rules, "income" shall include all monthly income, including but not limited to earnings, interest income, benefit payments from long-term care insurance plans, dividends, social security, railroad retirement or other pension or retirement benefits. For veterans applying for admission to an Ohio veterans' home on or after January 1, 2006, "income" shall include the income of the veteran, the veteran's spouse and any bona fide dependent of the veteran. For purpose of these rules, a "bona fide dependent" shall be a child under the age of eighteen, or, if attending school as a full-time student, a child under the age of twenty-three or a disabled child as defined by the department of veterans' affairs. Income shall not include assets or principal. Any money received by a resident through the aid and attendance or housebound program of the department of veterans affairs shall not be considered income to that resident and shall be paid in its entirety to the Ohio veterans' homes. In addition, the resident will be assessed on the income as set forth in paragraphs (B), (C), and (D) of this rule.

(B) Domiciliary residents shall be subject to a monthly assessment of ten per cent of the first hundred fifty dollars of monthly income. In addition, all monthly income ranging from one hundred fifty-one dollars to two hundred ninety-nine dollars shall be assessed at a rate of fifty-five per cent; all monthly income ranging from three hundred dollars to four hundred ninety-nine dollars shall be assessed at a rate of sixty-five per cent, all monthly income of five hundred dollars or more shall be assessed at a rate of seventy-five per cent. Residents who receive pay for the work therapy program shall be assessed twenty per cent of the gross pay received for such services. In no case shall the



total monthly fee assessed any domiciliary resident, whether such fee is based upon the pay for services or other income or both, exceed the maximum assessment as established by the director of the Ohio department of veterans services. Any domiciliary resident who is determined by the director of the Ohio department of veterans services to be ineligible for a pension because of excessive assets, shall be required to pay the maximum rate of assessment as established by the director of the Ohio department of veterans services.

(C) The director of the Ohio department of veterans services may authorize a level of care which will be referred to as dom plus care. Dom plus care shall be a level of care greater than the level of care provided domiciliary residents, but less than the level of care provided nursing home residents. The medical directors of the veterans' homes shall determine which residents require dom plus care. Dom plus residents shall be subject to a monthly assessment of ten per cent of the first hundred fifty dollars of monthly income. In addition, all monthly income ranging from one hundred fifty-one dollars to two hundred ninety-nine dollars shall be assessed at a rate of fifty-five per cent; all monthly income ranging from three hundred dollars to four hundred ninety-nine dollars shall be assessed at a rate of sixty-five per cent, all monthly income of five hundred dollars or more shall be assessed at a rate of seventy-five per cent. In no case shall the total monthly fee assessed any dom plus resident exceed the maximum assessment as established by the director of the Ohio department of veterans services. Any dom plus resident who is determined by the director of the Ohio department of veterans services to be ineligible for a pension because of excessive assets, shall be required to pay the maximum rate of assessment as established by the director of the Ohio department of veterans services.

(D) Residents who require long-term nursing home care shall be subject to a monthly assessment of twenty-five per cent of the first two hundred dollars per month of monthly income. In addition, all income in excess of two hundred dollars per month will be subject to a fee not to exceed the maximum rate of assessment as established by the director of the Ohio department of veterans services. Any nursing home resident who is determined by the director of the Ohio department of veterans services to be ineligible for a pension because of excessive assets, shall be required to pay the maximum rate of assessment as established by the director of the Ohio department of veterans services. A separate maximum rate of assessment may be established for each level of care in the nursing home authorized by the director of the Ohio department of veterans services.



(E) Collection of assessments shall be subject to the following:

- (1) Residents will be assessed on a daily rate during the months of admission or discharge. A resident who is transferred from or to the authorized levels of care shall be assessed at the rate applicable to the level of care received effective on the date of the transfer. The daily rate shall be determined by multiplying the monthly rate by twelve, then dividing that amount by three hundred sixty-five. Commencing the first month following admission, the resident shall be assessed on a monthly basis.
- (2) Residents may be granted ninety furlough days per year. Regular monthly assessment will be due during any and all furloughs, leaves or passes.
- (3) Any resident supporting bona fide dependents shall be entitled to exclusions as follows:
 - (a) Any resident who has a spouse or who is providing support to a person determined to be a bona fide dependent shall have fifty per cent of his/her income excluded from the computation of assessment as provided in this rule.
 - (b) Any resident supporting two bona fide dependents shall have sixty-five per cent of his/her income excluded from the computation of assessment as provided in this rule.
 - (c) Any resident supporting three or more bona fide dependents shall have seventy-five per cent of his/her income excluded from the computation of assessment as provided in this rule.
 - (d) If a spouse or bona fide dependent suffers undue hardship resulting from the assessment provided by this rule, a special exemption may be granted by the superintendent of the Ohio veterans' home agency upon application and receipt of documentation demonstrating such hardship.
- (4) Any amount paid by a resident to procure and maintain hospitalization or medical insurance coverage for themselves or their bona fide dependents shall be subtracted from the monthly income of such resident for the purpose of computing the monthly assessment.
- (5) Any money received by a resident for services in the manufacture of poppies for distribution by



veterans' organizations shall be excluded from the computation of assessment as provided in this rule.

(F) Residents shall make payment to the Ohio veterans' home agency for assessment as follows:

(1) The monthly assessment shall be paid between the first and tenth day of each month.

(2) Payment for the month of admission shall be made within ten days of the date of admission.

(3) Any assessment unpaid by the close of business on the tenth of each month, or the close of business on the first business day after the tenth, if the tenth should fall on a Saturday, Sunday, or legal holiday, shall be subject to a penalty of ten per cent of the balance due or twenty-five dollars, whichever is less. This penalty shall apply to the first month assessment if not paid within ten days of admission and to assessments due based on income earned from the work therapy program. The penalty may be waived under circumstances deemed acceptable by the superintendent of the Ohio veterans' homes.

(G) Any resident determined by the department of veterans' affairs to be ineligible to collect per diem grant reimbursement for days of care provided that resident may be required to pay, in addition to the fees established in section 5907.13 of the Revised Code, and subject to paragraph (E)(3)(b) of this rule, an amount equal to the rate of per diem paid by the United States department of veterans' affairs for the level of care provided that resident. Said fee shall be collected and distributed in the same manner as the fees noted in section 5907.13 of the Revised Code.