

3701-44-03 Eligibility for benefits under the Ryan White part B program.

- (A) To be eligible for benefits under the Ryan White part B program, an individual shall meet all of the following requirements:
 - (1) The individual must be an Ohio resident;
 - (2) The individual must have a verified HIV infection and must meet the medical guidelines set forth in appendix A to this rule; and
 - (3) The individual or individual's family must meet the financial guidelines set forth in appendix B to this rule.
- (B) The director may deny an individual's application, or terminate an individual's program enrollment, or deny an individual's access to specific services, if the director determines:
 - (1) There are insufficient funds;
 - (2) With consideration given to the continuity of care, the individual does not meet the eligibility guidelines set forth in paragraph (A) of this rule;
 - (3) The individual submitted false or misleading information;
 - (4) The individual abused or misused an approved benefit; or
 - (5) The individual failed to apply for or use or disclose other available resources to which the individual has access to pay for Ryan White part B services.
- (C) Pursuant to 42 U.S.C. 300ff-21 (2009) and 42 U.S.C. 300ff-22 (2009), the Ryan White part B program funds are federal grants. If, at any time, there is insufficient funding to sustain the current Ryan White part B programs, the director, pursuant to division (D) of section 3701.241 of the Revised Code, as necessary for the effective administration of available funds to the Ryan White part B programs, may, upon thirty-day notice to affected clients, restrict, reduce, or eliminate existing programs.
- (D) An individual may seek reconsideration of a decision that is based on other than the insufficiency of program funds pertaining to the Ryan White part B programs pursuant to paragraph (B)(1) of this rule.
 - (1) An individual seeking reconsideration of a decision listed in paragraph (B) of this rule shall file a written request for reconsideration with the department. The request for reconsideration must be received within thirty days from the date the individual received a decision set forth in paragraph (B) of this rule. The request for reconsideration must contain a statement of the reasons that the individual believes that the decision is incorrect or inconsistent with the Ryan White part B program guidelines, and may include any written documentation, arguments, or other materials that the affected party wishes to submit for the purposes of the reconsideration.
 - (2) Upon receiving a timely request for reconsideration, the director shall:
 - (a) Review the information submitted within thirty days of receipt of the

request. The director may request additional information which extends the review time. Except for good cause, additional information shall be submitted to the director within forty-five days of receiving a request for additional information.

- (b) Render a written decision to the requestor of the reconsideration within thirty days of the receipt of the request for reconsideration or receipt of additional information, whichever is later. The written decision shall include the reasons for the decision. The decision of the director is final and there is no further review.

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Certification

08/20/2012

Date

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