



Helping Ohio Seniors Resolve Legal &  
Long-Term Care Problems & Fight Medicare Fraud

# ***Assisted Living Waiver Program***

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## ***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 resident unit designated solely for the individual. [2]

## ***2. What Services Does The ALW Program Provide?***

The ALW program provides assisted living services such as personal care, nursing, laundry, housekeeping, medication assistance, coordination of 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 program 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 (AAA). [9] [10] [11]

Find your local AAA at <http://ohioaging.org/area-agencies/> . 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:  
<https://prod.ltc.age.ohio.gov/FacilitySearch> (putting "waiver" in the keyword search).

## ***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 \$2,000 in countable resources. [\[19\]](#) 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 \$29,724 and a maximum of \$148,620. See our Institutional Medicaid Fact Sheet for more details. In addition, your gross income cannot exceed \$2,742 (300% of the SSI standard).

If your income exceeds that amount, you can still be eligible for the ALW by transferring the amount of your monthly income over the \$2,742 limit into a Qualified Income Trust (QIT) and using the funds in the QIT to pay for your personal needs allowance, a maintenance allowance for a spouse, nursing home costs of care and bank fees. See our QIT fact sheet for more details. [\[20\]](#) [\[21\]](#) [\[22\]](#)

### ***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. [\[23\]](#) [\[24\]](#) 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. Your 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. [\[25\]](#)

### ***7. What Is The Room And Board Rate?***

The room and board rate is the SSI federal benefit rate, \$914 (2023), minus \$50, which is your personal needs allowance, for a total of \$864 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. [\[26\]](#) [\[27\]](#) [\[28\]](#)

### ***8. How Do I Apply For The ALW Program?***

You can contact your local Area Agency on Aging 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. [\[29\]](#) [\[30\]](#) [\[31\]](#) There are 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. [\[32\]](#)

## ***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 began residing in a certified assisted living facility. [\[33\]](#)

## ***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 (enrollment offered in chronological order if all ALWP eligibility requirements met), or the Home First component. [\[34\]](#) [\[35\]](#) [\[36\]](#) You qualify for the Home First component if you are eligible for the assisted living program and at least one of the following applies:

- 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. [\[37\]](#)

## ***11. 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 \$76.67/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. [\[38\]](#) [\[39\]](#)

## ***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. [\[40\]](#) Your case manager from PAA can educate you about your appeal rights or can assist you with an appropriate discharge plan. [\[41\]](#) [\[42\]](#)

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In southwest Ohio, Pro Seniors' staff attorneys and long-term care ombudsmen handle matters that private attorneys do not, such as nursing facility, adult care facility, home care, Medicare, Medicaid, Social Security, protective services, insurance and landlord/tenant problems.

This pamphlet provides general information and not legal advice. The law is complex and changes frequently. Before you apply this information to a particular situation, call Pro Seniors' free Legal Helpline or consult an attorney in elder law.

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Pro Seniors, Inc.  
7162 Reading Rd.  
Suite 1150  
Cincinnati, Ohio 45237

Switchboard: 513.345.4160  
Clients Toll-free: 800.488.6070  
Fax: 513.621.5613  
Web Site: [www.proseniors.org](http://www.proseniors.org)

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**Endnotes:** *[Click the endnote number "[1]" to return to the text]*

- [1] [O.A.C. § 5160-33-05](#) Provider Conditions of Participation for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [2] [O.A.C. § 173-39-02.16](#) ODA provider certification: Assisted living service
- [3] [O.A.C. § 5160-33-06](#) Covered Services for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [4] [O.A.C. § 173-38-05](#) Assisted Living Program (Medicaid-funded): Covered Services
- [5] [O.A.C. § 173-39-02.16](#) ODA provider certification: assisted living service
- [6] [O.A.C. § 173-51-01](#) Assisted living program (state-funded component): introduction and definitions
- [7] [O.R.C. § 173.547](#) Staff Requirements for Assisted Living Program Facility

- [8] [O.A.C. § 5160-44-26](#) Community Transition Service
- [9] [O.A.C. § 173-39-02.16](#) **Provider certification:** Assisted Living Service
- [10] [O.A.C. § 5160-33-05](#) Provider Conditions of Participation for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [11] [O.A.C. § 173-38-04](#) **Assisted Living Program:** Provider Certification
- [12] [O.A.C. § 5160-3-08](#) Criteria for Nursing Facility-Based Level of Care
- [13] [O.A.C. § 5160-3-05](#) Level of Care Definitions
- [14] [O.A.C. § 5160-33-02](#) 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 of assisted living program
- [17] [O.R.C. § 173.546](#) **Needs** Assessments
- [18] [O.A.C. § 5160-33-03](#) Eligibility for the Medicaid Funded Component of the Assisted Living Waiver Program
- [19] [O.A.C. § 5160:1-3-05.1](#) Medicaid: Resource Requirement
- [20] [O.A.C. § 5160:1-6-03](#) Medicaid: Special Income Rules That May Apply When an Individual is Requesting Payment for long-term care services
- [21] [O.A.C. § 5160:1-6-03.1](#) Medicaid: Determining Financial Eligibility for Medical Assistance Using the Special Income Level
- [22] [O.A.C. § 5160:1-6-03.2](#) Medicaid: Use of Qualified Income Trusts (QIT)
- [23] [O.A.C. § 173-39-02.16](#) ODA Provider Certification: assisted living service
- [24] [O.A.C. § 5160-33-02](#) Definitions for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [25] [O.A.C. § 5160:1-6-07.1](#) Medicaid: Post-Eligibility Treatment of Income for Individuals Receiving Services Through a Home and Community-Based Services (HCBS) Waiver or the Program of All-Inclusive Care for the Elderly (PACE)
- [26] [O.A.C. § 5160-33-03](#) Eligibility for the Medicaid Funded Component of the Assisted Living Program

- [27] [O.A.C. § 173-39-02.16](#) Assisted Living Service
- [28] [O.A.C. § 5160-33-02](#) Definitions for the Assisted Living Home and Community Based Services (HCBS) Waiver Program
- [29] [O.A.C. § 173-38-03](#) Assisted Living Program (Medicaid-funded component): Enrollment and Reassessment of Individuals
- [30] [O.A.C. § 5160-33-04](#) Enrollment Process for Medicaid-Funded Component of the Assisted Living Waiver Program
- [31] [O.R.C. § 173.546](#) Needs Assessments
- [32] [O.R.C. § 173.54](#) Medicaid-Funded Component of Assisted Living Program; See also, [Understanding the Assisted Living Waiver Program, A 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.
- [33] [O.A.C. § 173-38-03](#) Assisted Living Program (Medicaid-Funded Component): Enrollment and Reassessment of Individuals
- [34] [O.A.C. § 173-38-03](#) Assisted Living Program (Medicaid-Funded Component): Enrollment and Reassessment of Individuals
- [35] [O.R.C. § 173.55](#) Waiting List for Department of Aging-Administered Medicaid Waiver Components and the PACE Program
- [36] [O.A.C. § 173-44-04](#) Unified Waiting List for the Assisted Living, PACE and Passport Programs
- [37] [O.R.C. § 173.542](#) Home First Component of the Assisted Living Program
- [38] [O.A.C. § 5160-33-07](#) Assisted Living Home and Community Based Services (HCBS) Waiver Rate Setting
- [39] [O.A.C. § 5160-1-06.5](#) Home and Community Based Services (HCBS) Waivers: Assisted Living with Appendix of Assisted Living Waiver Rates
- [40] [O.A.C. § 5160-33-03](#) Eligibility for the Medicaid Funded Component of the Assisted Living Program
- [41] [O.R.C. § 173.545](#) Appeals
- [42] [O.R.C. § 173.56](#) Rules