Basic Requirements for |AGENCY| RE-Certification

Agencies are required to renew their certification online through the **Provider Services Management (PSM)** and must be able to show evidence of the following for each employee during future compliance reviews, as applicable to 5123:2-2-01:

- **Current report from the Bureau of Criminal Identification and Investigation (BCII).** To find where you can get a background check, contact your County Board, or look at the list of organizations that offer *WebCheck* on the Ohio Attorney Generals' website
- **Valid American Red Cross or equivalent certification in First Aid**
- **Valid American Red Cross or equivalent certification in CPR**
- **Evidence of MUI (Major Unusual Incident) and Client Rights training at least once per calendar year**

To begin re-certification process, log in to the **DODD Provider Services Management (PSM) application**.

Additional Requirements

An Agency Provider SHALL employ a CEO who:

- Is at least twenty-one years of age
- Has a valid social security number **and** one of the following forms of identification:
  - ❑ State of Ohio identification
  - ❑ Valid driver's license
  - ❑ Other government-issued photo identification
- Hold a high school diploma or GED.
- Hold either a bachelor's degree from an accredited college or university **or** has at least four years of full-time (or equivalent part-time) paid work experience as a supervisor of programs or services for individuals with developmental disabilities.
- Is able to read, write, and understand English at a level sufficient to comply with all requirements in rules governing the services provided.
- Has at least one year of full-time (or equivalent part-time) paid work experience in the provision of services to individuals with developmental disabilities which included responsibility for:
  - ❑ Personnel matters
  - ❑ Supervision of employees
  - ❑ Program services
  - ❑ Financial management
- Successfully completes, within thirty days of initial certification or within thirty days of hire as the chief executive officer, department-provided web-based orientation for chief executive officers of agency providers *(exempt if employed by or under contract with an agency provider as the chief executive officer on the day prior to this rule going into effect)*
- Successfully completes, within sixty days of initial certification or within sixty days of hire as the chief executive officer, training in accordance with standards established by the department in *(exempt if employed by or under contract with an agency provider as the chief executive officer on the day prior to this rule going into effect)*:
  - ❑ Service documentation
  - ❑ Billing for services
  - ❑ Internal compliance programs
  - ❑ The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and
  - ❑ The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department.
- Successfully completes, commencing in the second year of certification or employment as the chief executive officer, annual training in accordance with standards established by the department in:
  - ❑ An agency provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
  - ❑ The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and
  - ❑ The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department since the previous year's training.

- The CEO or another person designated in writing by the CEO to be responsible for administration shall be **directly and actively involved in day-to-day operation** of the agency and oversee provision of services. This person must meet the same qualifications as the CEO.
- Disclose or report in writing to DODD if the CEO or other person responsible for administration has been or is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code within fourteen days after the date of such charge, conviction, or guilty plea.
- Disclose or report in writing to DODD **within fourteen days** if the CEO or other person responsible for administration is or becomes a ***related party** of a person or government entity for which the department refused to issue or renew or revoked a supported living certificate.
- An agency shall report in writing to the department **within fourteen days** when the chief executive officer or other person responsible for administration leaves the agency provider's employ. The notification shall indicate when the agency provider anticipates filling the position and to whom executive authority has been delegated in the interim.
- An agency provider shall provide to the department the name, country of birth, date of birth, and social security number for any person owning a financial interest of five per cent or more in the agency provider (including a direct, indirect, security, or mortgage financial interest).

Related Party means:
- The spouse of the provider
- A parent or stepparent of the provider or provider's spouse
- A child of the provider or provider's spouse
- A sibling, half sibling, or stepsibling of the provider or provider's spouse
- A grandparent of the provider or provider's spouse
- A grandchild of the provider or provider's spouse

'Policy & Procedure' Requirements

An applicant for initial agency provider certification shall submit to the department:

- Written policies and procedures that address the agency provider's management practices in the following areas:
  - ❑ Person-centered planning and self-determination;
  - ❑ Confidentiality of individuals' records;
  - ❑ Management of individuals' funds;
  - ❑ Incident reporting and investigation;
  - ❑ Individuals' satisfaction with services delivered;
  - ❑ Internal monitoring and evaluating procedures to improve services delivered;
  - ❑ Supervision of staff;
  - ❑ Staff training plan; and
  - ❑ Annual written notice to each of its employees and contractors:
    - explaining the conduct for which the employee or contractor may be placed on the abuser registry and
    - setting forth the requirement for each employee and contractor who is engaged in a direct services position to report in writing to the agency provider, if he or she is every formally charged with, convicted of, or pleads guilty to any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the ORC within fourteen days after the date of such charge, conviction, or guilty plea.
- A certificate of good standing from the Ohio secretary of state demonstrating the agency's status as a for-profit corporation, nonprofit corporation, limited liability company, or limited liability partnership.
- An employer identification number from the internal revenue service.
- An employer identification number from the bureau of workers' compensation.
- A certificate of comprehensive general liability insurance in the amount of at least five hundred thousand dollars ($500,000).
- An agency provider shall provide and maintain on file with the department, current United States mail and electronic mail addresses.
- An agency provider shall demonstrate that it has an established internal system to ensure compliance with requirements for:
  - ❑ Provider certification in accordance with this rule;
  - ❑ Background investigations and appropriate actions in accordance with rule 5123:2-2-02 of the OAC for its chief executive officer, other person responsible for administration of the agency provider (if applicable), and each employee, contractor, or employee of a contractor who is engaged in a direct services position; and
  - ❑ Service delivery, service documentation, and billing for services in accordance with rules in Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services provided.
- An agency provider shall maintain comprehensive general liability insurance in the amount of at least five hundred thousand dollars ($500,000).

- An agency provider shall comply with all applicable federal, state, and local regulations, statutes, rules, codes, and ordinances pertaining to employment of staff including, but not limited to, wage and hour, workers' compensation, unemployment compensation, and withholding taxes.
- An agency provider shall be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums.
- An agency provider shall conduct background investigations and take appropriate actions in accordance with rule 5123:2-2-02 of OAC for its CEO, other person responsible for administration of the agency provider (if applicable), and each employee, contractor, or employee of a contractor who is engaged in a direct services position.
  - ❑ An agency provider shall enroll the CEO, designated administrator, and each employee, contractor, or employee of a contractor who is engaged in a direct services position in the Ohio attorney general's retained applicant fingerprint database information exchange system **("RAPBACK").**
  - ❑ A CEO, other person responsible for administration, and an employee, contractor, or employee of a contractor who is engaged in a direct services position employed by or under contract with the agency provider on the day immediately prior to the effective date of this rule shall be enrolled in "RAPBACK" at the point he or she is next subject to a criminal records check by BCII.
  - ❑ A CEO, other person responsible for administration, and an employee, contractor, or employee of a contractor who is engaged in a direct services position employed by or under contract with the agency provider on or after the effective date of this rule shall be enrolled in "RAPBACK" at the point of his or her initial criminal records check by BCII.
- An agency provider shall participate as requested by the department in service delivery system data collection initiatives such as the national core indicators staff stability survey.

'Hiring & Training' Requirements

- An agency provider shall ensure that each employee, contractor, and employee of a contractor engaged in a direct services position:
  - ❑ Is at least eighteen years of age
  - ❑ Has a valid social security number **and** one of the following forms of identification:
    - State of Ohio identification
    - Valid driver's license
    - Other government-issued photo identification
  - ❑ Hold a high school diploma or general education development certificate
  - ❑ Is able to read, write, and understand English at a level sufficient to comply with all requirements set forth in administrative rules governing the services provided.
  - ❑ Hold valid "American Red Cross" or equivalent certification in first aid which includes an in-person skills assessment completed with an approved trainer*.
  - ❑ Hold valid "American Red Cross" or equivalent certification in cardiopulmonary resuscitation which includes an in-person skills assessment completed with an approved trainer*.
  - ❑ Successfully completes, prior to providing direct services, **eight hours** of training in accordance with standards established by the department that addresses the following topics:
    - Overview of serving individuals with developmental disabilities including implementation of individual service plans;
    - The role and responsibilities of direct services staff with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
    - Universal precautions for infection control, including hand washing and the disposal of bodily waste;
    - The rights of individuals
    - The requirements of rule 5123:2-17-02 (Addressing major unusual incidents and unusual incidents to ensure health, welfare, and continuous quality improvement) including a review of health and welfare alerts issued by the department.

Services exempt from First Aid, CPR, and 8 hour training (except the requirements of rule 5123:2-17-02):

- Clinical/therapeutic intervention
- Community inclusion-transportation provided by operators of commercial vehicles, ***except when the operators of commercial vehicles are under contract with a county board to provide community inclusion-transportation***
- Environmental accessibility adaptations
- Functional behavioral assessment
- Home-delivered meals
- Informal respite ***only when the provider provides informal respite solely to his or her own family member***
- Integrated employment only when provided by an independent provider who is the individual's coworker or otherwise employed at the work site
- Interpreter services
- Non-medical transportation provided by operators of commercial vehicles, ***except when the operators of commercial vehicles are under contract with a county board to provide non-medical transportation***
- Nutrition services
- Participant/family stability assistance
- Personal emergency response systems
- Remote monitoring equipment
- Social work
- Specialized medical equipment and supplies
- Support brokerage
- Transportation provided by operators of commercial vehicles, ***except when the operators of commercial vehicles are under contract with a county board to provide transportation.***

"Commercial vehicles" means buses, livery vehicles, and taxicabs that are available for public use

- ❑ Successfully completes, prior to providing direct services, training specific to each individual he or she will support that includes:
  - What is important to the individual and what is important for the individual; and
  - The individual's support needs including, as applicable, behavioral support strategy, management of the individual's funds, and medication administration/delegated nursing.
- ❑ If he or she supervises staff in direct services positions, successfully completes within **ninety days** of becoming a supervisor, training *in accordance with the agency provider's policies and procedures* regarding:
  - Service documentation
  - Billing for services; and
  - Management of individuals' funds
- ❑ Successfully completes, commencing in the second year of employment or contract, annual training in accordance with standards established by the department in:
  - The role and responsibilities of direct services staff with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
  - The rights of individuals
  - The requirements of rule 5123:2-17-02 (Addressing major unusual incidents and unusual incidents to ensure health, welfare, and continuous quality improvement) including a review of health and welfare alerts issued by the department since the previous year's training.