

**Date:** August 13, 2015

**To:** Certified Providers of Services

**From:** Kathryn Haller, Deputy Director, Division of Legal and Oversight  
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**Subject:** Forthcoming Changes to Provider Certification

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A new *Provider Certification* rule (5123:2-2-01, attached) is projected to go into effect October 1, 2015. The rule establishes procedures and standards for certification issued by the Ohio Department of Developmental Disabilities to providers of Supported Living services, including Home and Community-Based Services provided to individuals enrolled in Medicaid waivers administered by the Department. The new rule implements recommendations made by a panel convened to examine the health and safety system for individuals who receive services. **This memo highlights some of the most significant changes to the rule. Each provider is responsible for reading and understanding the entire rule.**

#### **New Requirements - All Providers**

- Providers must disclose in writing to the Department if they are a related party of a person or entity for which certification has been denied or revoked.
- Providers must maintain a current email address on file with the Department.
- Providers must participate as requested by the Department in service delivery system data collection initiatives.
- Topics of the initial eight-hour training for independent providers and direct services staff of agency providers have been adjusted as indicated:

#### Prior to October 1, 2015

Overview of serving individuals with developmental disabilities

Overview of basic principles and requirements of providing Home and Community-Based Services

The provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code

#### Beginning October 1, 2015

Overview of serving individuals with developmental disabilities including implementation of individual service plans

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 section 5123.62 to 5123.64 of the Revised Code

Prior to October 1, 2015

Universal precautions for infection control, including hand washing and the disposal of bodily waste

The requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety

Beginning October 1, 2015

Universal precautions for infection control, including hand washing and the disposal of bodily waste

The requirements of rule 5123:2-17-02 of the Administrative Code including a review of Health and Welfare Alerts issued by the Department

- In addition to annual training in rights of individuals and rule 5123:2-17-02, independent providers and direct services staff of agency providers must annually complete training in:
  - Role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy.
- The term of initial certification changed from one year to three years. (Term of renewal certification remains unchanged at three years.)
- Providers are prohibited from using or being under the influence of alcohol or drugs while providing services.

**New Requirements - Independent Providers**

- New independent providers must complete Department-provided web-based Orientation (<http://dodd.ohio.gov/Providers/BecomeAProvider/Pages/Independent.aspx>) prior to submitting application.
- Within 60 days of first providing services, new independent providers must complete training in:
  - Service documentation, and
  - Billing for services.
- Independent providers must consent to be enrolled in Rapback.
- Application fee for three-year certification changed from \$100 to \$125.
- Application fee for adding a service during the term of existing certification changed from \$15 to \$25.
- Independent providers must meet with a representative of the county board of developmental disabilities after being selected by an individual to provide services and prior to providing services.

**New Requirements - Agency Providers**

- Agency providers must have:
  - Certificate from Secretary of State demonstrating status as a for-profit corporation, nonprofit corporation, limited liability company, or limited liability partnership,
  - Internal Revenue Service employer identification number, and
  - Bureau of Workers' Compensation employer identification number.
- Agency providers must be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums.

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- Agency providers must have comprehensive general liability insurance in the amount of \$500,000.
- Agency providers must report in writing to the Department the name, country of birth, date of birth, and social security number for any person owning a financial interest of five percent or more in the agency provider.
- Agency providers must demonstrate an established internal system to ensure compliance with requirements for:
  - Provider certification,
  - Background investigations and appropriate actions in accordance with rule 5123:2-2-02, and
  - Service delivery, service documentation, and billing for services for specific Home and Community-Based Services provided.
- Chief Executive Officers must be at least 21 years age.
- New Chief Executive Officers must complete Department-provided web-based Orientation (<http://dodd.ohio.gov/Providers/BecomeAProvider/Pages/Agency.aspx>) within 30 days of initial certification or hire.
- Within 60 days of initial certification or hire, new Chief Executive Officers must complete training in:
  - Service documentation,
  - Billing for services,
  - Internal compliance programs,
  - Rights of individuals, and
  - Rule 5123:2-17-02.
- In addition to annual training in rights of individuals and rule 5123:2-17-02, Chief Executive Officers must annually complete training in:
  - Agency provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy.
- The Chief Executive Officer or a person designated by the Chief Executive Officer must be directly and actively involved in day-to-day operation of the agency provider and oversee provision of services.
- Agency providers must report in writing to the Department when the Chief Executive Officer designates another person to be responsible for administration of the agency.
- Agency providers must report in writing to the Department when the Chief Executive Officer or other person responsible for administration leaves the agency's employ.
- The Chief Executive Officer and person responsible for administration must consent to be enrolled in Rapback.
- By January 1, 2016, agency providers must begin enrolling newly hired direct services staff in Rapback. Agency providers may phase-in Rapback for existing direct services staff as staff are next subject to a criminal records check in accordance with rule 5123:2-2-02.
- Prior to providing direct services, staff of agency providers must complete 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 behavioral support strategy, management of the individual's funds, and medication administration/delegated nursing.

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- Supervisors of direct services staff must complete training, within 90 days of becoming a supervisor, in:
  - Service documentation,
  - Billing for services, and
  - Management of individuals' funds.
- Application fee for adding a service during the term of existing certification changed from \$50 to \$75 for small agency providers and from \$100 to \$150 for large agency providers.

### **New Requirements - County Boards of Developmental Disabilities**

- A representative of the county board must meet with each independent provider after the independent provider is selected to provide services and before services are provided, to discuss the independent provider's responsibilities and requirements set forth in the individual service plan.

### **Timelines for Implementation of New Requirements**

- A chart delineating the timelines for implementation of new requirements for persons or entities already holding valid certification on October 1, 2015 is attached.
- Persons or entities submitting an application to the Department for initial certification on or after October 1, 2015 will be required to meet all requirements set forth in the new rule at the time of application.

### **Questions**

Please direct questions to the Department's Support Center at 1-800-617-6733.

## Timelines for Implementation of New Requirements for Certified Providers Set Forth in Rule 5123:2-2-01

The following timelines have been established for implementation of new requirements for persons or entities holding valid independent provider certification or agency provider certification on October 1, 2015, the projected effective date for new rule 5123:2-2-01. Please note:

- Staff of the Department’s Office of Provider Certification recognize and will afford consideration to agency providers scheduled to renew certification between October 1 and December 31, 2015 that may need to gather and submit additional documents to complete their application for renewal certification.
- Staff of the Department’s Office of Provider Standards and Review will begin looking for evidence that providers are in compliance with the new requirements in accordance with the timelines set forth below.

### Independent Providers:

New Requirement	Timeline
Ensure current email address is on file with Department	Beginning October 1, 2015
Provider prohibited from using or being under the influence of alcohol or drugs while providing services	Beginning October 1, 2015
Report in writing to Department within 14 days if provider is or becomes a related party of a person or entity for which certification has been denied or revoked	Beginning October 1, 2015
Complete all topics specified for annual training in paragraph (C)(4) of the rule	On or before October 31, 2016 and annually thereafter
Consent to be enrolled in Rapback	At point of next application to renew certification

### Agency Providers:

New Requirement	Timeline
Ensure current email address is on file with Department	Beginning October 1, 2015
Ensure Chief Executive Officer or other person designated by Chief Executive Officer is directly and actively involved in day-to-day operation of the agency provider and oversees provision of services	Beginning October 1, 2015
Report in writing to Department within 14 days when Chief Executive Officer designates another person to be responsible for administration	Beginning October 1, 2015
Report in writing to Department within 14 days when Chief Executive Officer or other person responsible for administration leaves agency provider’s employ	Beginning October 1, 2015

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New Requirement	Timeline
Report in writing to Department within 14 days if Chief Executive Officer or other person responsible for administration is or becomes a related party of a person or entity for which certification has been denied or revoked	Beginning October 1, 2015
Be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums	Beginning October 1, 2015
Ensure that direct services staff receive training specific to each individual he or she supports	Beginning October 1, 2015
Chief Executive Officer, other person responsible for administration, and employees, contractors, and employees of contractors prohibited from using or being under the influence of alcohol or drugs while providing services	Beginning October 1, 2015
Obtain comprehensive general liability insurance in at least \$500,000	January 1, 2016
Enroll existing direct services staff in Rapback	Beginning January 1, 2016 as existing staff are due for five-year background check in accordance with rule 5123:2-2-02 ( <i>Background Investigations for Employment</i> )
Enroll newly hired direct services staff in Rapback	Beginning January 1, 2016 as new staff are hired
Demonstrate an established internal system to ensure compliance with requirements as specified in paragraph (D)(10) of the rule	April 1, 2016
Ensure Chief Executive Officer and other person responsible for administration have completed annual training specified in paragraph (D)(1)(i) of the rule	On or before October 31, 2016 and annually thereafter
Ensure supervisors of direct services staff have completed all topics specified in paragraph (D)(17)(i) of the rule	On or before October 31, 2016
Ensure direct services staff have completed all topics specified for annual training in paragraph (D)(17)(j) of the rule	On or before October 31, 2016 and annually thereafter
Provide to Department the name, country of birth, date of birth, and social security number for any person owning financial interest of 5% or more in agency provider	At point of next application to renew certification
Chief Executive Officer and other person responsible for administration consent to be enrolled in Rapback	At point of next application to renew certification