



Temporary Direct Support Rule Waiver Guidance

Due to the statewide workforce crisis, the Ohio Department of Developmental Disabilities (DODD) is offering agency and licensed residential facilities providers (licensed waiver and Intermediate Care Facilities) two options to assist with recruiting qualified employees to provide direct support. These options include the temporary waiver of the requirement in agency and licensed facility (including ICF) administrative rules for Direct Support Professionals (DSPs) to have a high school diploma or GED and the temporary approval of direct support assistants. These options originally were in effect from September 17, 2021, through September 30, 2022. DODD has extended these options through September 30, 2023. Providers will be required to report information regarding those employed under either of these options to determine long-term effectiveness.

Waiver of High School Diploma/GED Requirement

Agency providers and licensed facilities (including ICFs) will be permitted to hire DSPs who do not meet the educational requirements without requesting either an agency or DSP-specific rule waiver from DODD. Providers hiring DSPs under this temporary waiver must ensure the following:

1. DSPs without a high school diploma or GED are not certified for medication administration and do not administer medication. DSPs without a high school diploma/GED cannot be certified to administer medication.
2. DSPs must meet all other requirements in the rule.
3. The provider must have a method for tracking DSPs working under this temporary waiver of the education requirement to ensure the provider employs a sufficient number of DSPs to meet medication administration responsibilities.

At the end of the temporary waiver period, DSPs who have maintained employment with the same provider will be permitted to continue working for the same provider without an additional rule waiver. This includes DSPs who were working under an agency or DSP-specific education waiver issued to the provider before 10/1/2021.

Direct Support Assistants

In addition to temporarily waiving the education requirement for DSPs, DODD will temporarily permit agency providers and licensed facilities (including ICFs) to employ qualified 16- and 17-year-olds as direct support assistants.



Department of Developmental Disabilities

Providers must meet the following conditions when employing a 16- or 17-year-old as a direct support assistant:

1. Direct support assistants shall only work when another employee, who is at least eighteen years of age and meets the requirements of [Ohio Administrative Code \(OAC\) 5123-2-08](#) or [OAC 5123:2-3-01](#), (effective 12/1/22 this Rule will be renumbered to OAC 5123-3-01) is physically present at the service location.
2. Direct support assistants shall undergo a background investigation for employment per [OAC 5123-2-02](#).
3. Direct support assistants shall not provide intimate personal care such as dressing, showering, bathing, toileting, or changing undergarments.
4. Direct support assistants shall not be a driver for transportation support.
5. Direct support assistants shall not administer medication or perform health-related activities.
6. Direct support assistants shall not perform any care or task expressly forbidden by the person receiving support.
7. The provider must obtain consent for services to be provided by a direct support assistant.
8. Direct support assistants must meet the training requirements found in [OAC 5123-2-08](#) Appendix C or [OAC 5123:2-3-01](#) (F) (1) (e-g) (effective 12/1/22 this will be found in Appendix B of OAC 5123-3-01). In addition to the conditions above, providers must establish procedures to ensure unexpected circumstances, such as DSP absences, are addressed in a manner that ensures direct support assistants are not working alone without qualified staff present.
9. Direct support assistants may not implement any behavioral support or restrictive measures.

Please contact DODD at OSSAS@dodd.ohio.gov with questions.