

TO BE RESCINDED

173-39-03

Provider certification.

(A) Agency, non-agency, and assisted living providers: This is the process for any provider who seeks to become an ODA-certified long-term care agency, non-agency, or assisted living provider:

(1) Application materials for applicants seeking ODA long-term care certification as an agency provider, a non-agency provider, or an assisted living provider include:

(a) A signed and completed application form prescribed by ODA.

(i) Incomplete applications will be returned to the applicant by ODA's designee with an explanation of the information needed and a statement specifying that the complete application must be resubmitted within thirty business days.

(ii) ODA's designee must send a written acknowledgment of receipt for each complete application received and schedule an on-site pre-certification review within fifteen business days of receipt.

(b) A completed W-9 form.

(c) In addition to those materials described in paragraphs (A)(1) and (A)(1)(b) of this rule, applicants seeking certification as an assisted living provider must also provide evidence that provider's facility is a residential care facility licensed by the Ohio department of health.

(2) Applicants also seeking to obtain medicaid provider agreements for ODA-administered long-term care services must complete those application materials required by ODJFS, and must submit those materials to ODA's designee at the same time as they submit ODA certification materials.

(3) The process to become an ODA-certified long-term care agency, non-agency and assisted living provider is:

(a) An applicant must request application materials and instructions from ODA's designee.

(b) Within forty-five business days after receipt of a signed and complete application, ODA's designee must complete an on-site pre-certification review to ascertain whether the applicant meets the requirements set forth in Chapter 173-39 of the Administrative Code.

- (c) Within thirty business days of the on-site certification review, ODA's designee must determine whether the applicant meets the requirements set forth in Chapter 173-39 of the Administrative Code.
 - (i) If the applicant demonstrates compliance with all requirements, ODA's designee may recommend to ODA that certification be granted.
 - (ii) If the applicant does not demonstrate compliance with all requirements, ODA's designee must provide written notification to the applicant specifying the areas of noncompliance.
 - (a) The applicant has twenty business days from the date of notification to demonstrate full compliance with all requirements.
 - (b) ODA's designee must recommend to ODA within ten business days that certification be granted if the applicant complies with all requirements within the allotted time.
 - (c) ODA's designee must recommend to ODA within ten business days that certification be denied if the applicant fails to comply with all requirements within the allotted time.
- (d) ODA must make the final determination of provider certification based upon a review of the application and the documentation presented by ODA's designee.
- (e) ODA must notify the ODA designee in writing of the determination within forty-five business days of receipt of ODA's designee's recommendation.
- (f) Within ten business days following receipt of ODA's written determination to the ODA designee about certification, ODA's designee must notify the applicant in writing about the status of certification. The notice provided to the applicant must comply with rule 173-39-06 of the Administrative Code.
 - (i) If certification is granted, ODA's designee must notify the applicant in writing and must send a two-party contract for the applicant's signature. The contract must specify:
 - (a) Billing requirements;
 - (b) The certified service(s) approved for payment;

(c) The rate(s) of payment for each certified service;

(d) The geographic area to be served;

(e) Termination notice requirements;

(f) Record retention requirements; and

(g) The time period covered by agreement.

(ii) If certification is denied, the applicant:

(a) May not reapply for certification for at least one year after the mailing date of ODA's designee's final determination of denial;

(b) May appeal the denial of certification in accordance with rules 173-39-07 and 173-39-08 of the Administrative Code.

(4) To maintain certification, each provider must:

(a) Maintain signed assurances contained in the ODA-specified application form;

(b) Meet the conditions of participation set forth in rule 173-39-02 of the Administrative Code;

(c) Meet the applicable requirements for long-term care services set forth in rules 173-39-02.1 to 173-39-02.20 of the Administrative Code; and,

(5) Providers currently certified as long-term care agency, non-agency and assisted living service providers may submit a request to ODA's designee at any time to provide additional services within the geographic region of the state in which the provider is currently certified and/or to expand the delivery of services into other geographic regions.

(a) An applicant must notify ODA's designee in the geographic region in which additional and/or expanded services are to be provided to request application materials and instructions.

(b) Within twenty business days after receipt of a signed and complete application, ODA's designee must schedule an on-site certification review to ascertain whether the applicant meets the conditions of participation set forth in rule 173-39-02 of the Administrative Code

or schedule a desk review. On-site pre-certification reviews must be scheduled to occur within thirty business days of the phone call and must be completed within twenty business days of the actual review. Desk reviews must be completed within thirty business days of receipt of the complete application.

- (c) Within thirty business days of the on-site or desk review, ODA's designee must inform the applicant in writing of any unmet requirements and specify that the applicant must demonstrate compliance with all requirements within thirty business days of the notification.
 - (d) If the applicant does not demonstrate compliance with all requirements within thirty business days following the mailing of the written notice to the applicant, ODA's designee must recommend to ODA within ten business days that certification expansion and/or service addition be denied.
 - (e) If the applicant demonstrates compliance with all requirements within thirty business days following the mailing of the written notice to the applicant, ODA's designee may recommend to ODA within ten business days that certification expansion or certified service addition be granted.
 - (f) Within sixty calendar days of receipt of the designee's recommendation, ODA must provide written notice of its determination to its designee. If certification expansion or certified service addition is denied, ODA or its designee must issue a denial letter to the applicant in compliance with rule 173-39-06 of the Administrative Code.
- (6) A provider is ineligible to be certified, or may have its certification terminated immediately, if the provider:
- (a) Has had its certification and/or provider agreements terminated by a state, federal or nationally recognized accrediting body.
 - (b) Has falsified its application for certification as a community-based long-term care provider.
- (B) Consumer-directed individual providers and consumer-directed personal care providers: This is the process for any provider who seeks to become an ODA-certified long-term care consumer-directed individual provider or consumer-directed personal care provider:
- (1) Interview: If a consumer wishes to employ an applicant as his or her consumer-directed individual provider or consumer-directed personal care provider, the

consumer shall interview the applicant, describe the certification process, and furnish the applicant with the application materials.

(2) Application materials: The applicant shall submit the following application materials to the consumer:

- (a) The applicant's completed, signed application form that ODA prescribes;
- (b) The applicant's completed W-9 form;
- (c) The applicant's valid social security number and a copy of a current, valid, government-issued photographic identification card, including a:
 - (i) Driver's license;
 - (ii) State of Ohio identification card; or,
 - (iii) United States of America permanent residence card.
- (d) A copy of the applicant's completed medicaid provider application form JFS06750;
- (e) The applicant's medicaid waiver provider enrollment form; and,
- (f) The applicant's completed, signed DMA form HLS0038.

(3) Consumer review:

- (a) After the applicant has submitted the completed application materials to the consumer, the consumer may interview the applicant.
- (b) If the consumer wishes to employ the applicant as his or her consumer-directed individual provider or consumer-directed personal care provider, the consumer shall require the applicant to undergo a criminal records check pursuant to rule 173-9-01 of the Administrative Code.
- (c) After the consumer receives the criminal records report, the consumer, with the assistance of ODA's designee, shall review the criminal records report according to rule 173-9-01 of the Administrative Code. If the consumer determines that the applicant's criminal records do not disqualify the applicant, the consumer may recommend to ODA's designee to certify the applicant.

(4) Pre-certification review:

- (a) Within ten business days after ODA's designee receives the applicant's completed application materials from the consumer, ODA's designee shall determine if the applicant demonstrates compliance with the requirements set for the in Chapter 173-39 of the Administrative Code.
- (b) If ODA's designee confirms that the applicant demonstrates compliance, ODA's designee shall recommend that ODA certify the applicant.
- (c) If ODA's designee confirms that the applicant does not demonstrate compliance, ODA's designee shall recommend that ODA not certify the applicant.

(5) Final determination:

- (a) ODA shall make the final determination on an applicant's certification based upon a review of the application materials and the documentation presented by ODA's designee.
- (b) In fewer than twenty days after ODA receives a recommendation from ODA's designee recommending that ODA certify an applicant, ODA shall make its determination and notify ODA's designee in writing.
- (c) If ODA certifies the applicant, in fewer than ten business days after ODA notifies ODA's designee of the decision, ODA's designee shall notify the consumer and the applicant about the decision.
- (d) After the consumer receives notification from ODA's designee about the decision, the consumer shall notify the applicant and complete the standard employment forms to hire the applicant as his or her consumer-directed individual provider or consumer-directed personal care provider.
- (e) If ODA does not certify the applicant, ODA shall notify the applicant, consumer, and ODA's designee with a written notice that complies with rule 173-39-06 of the Administrative Code. The applicant shall not reapply for certification for at least one year after the mailing date of ODA's designee's final-determination notice. The provider may appeal the denial of certification according to rules 173-39-07 and 173-39-08 of the Administrative Code; but, ODA shall not certify an applicant if ODA previously terminated the applicant's certification; if a state, federal, or nationally-recognized accrediting body has terminated the applicant's certification; or, if the applicant falsified his or her application for provider certification.

(6) To maintain certification, the provider shall:

- (a) Maintain signed assurances contained in the ODA-specified application form;
- (b) Meet the conditions of participation under paragraph (D) of rule 173-39-02 of the Administrative Code, if the provider is a consumer-directed individual provider who furnishes a home-care attendant service; or meet the conditions of participation under paragraph (F) of rule 173-39-02 of the Administrative Code, if the provider is a consumer-directed personal care provider who furnishes a personal care service; and,
- (c) Meet the requirements of rule 173-39-02.4 of the Administrative Code, if the provider is a consumer-directed individual provider who furnishes a home-care attendant service; or meet the requirements of rule 173-39-02.11 of the Administrative Code, if the provider is a consumer-directed personal care provider who furnishes a personal care service.

Effective:

Five Year Review (FYR) Dates: 4/12/2019

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 173.52, 173.522, 173.54, 173.543, 173.01, 173.02,
173.391

Rule Amplifies: 173.543; 42 C.F.R. 441.352, 173.39, 173.391, 173.52,
173.522, 173.54

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