

## TO BE RESCINDED

5123:2-2-01      **Provider certification.**

## (A) Purpose

This rule establishes procedures and standards for certification of providers of supported living services including home and community-based services provided in accordance with section 5123.045 of the Revised Code. This rule does not apply to a person or government entity licensed as a residential facility pursuant to section 5123.19 of the Revised Code.

## (B) Definitions

- (1) "Agency provider" means an entity, including a county board, that directly employs at least one person in addition to the chief executive officer for the purpose of providing services for which the entity must be certified under this rule.
- (2) "Applicant" means a person, agency, or county board seeking to become a certified provider.
- (3) "County board" means a county board of developmental disabilities.
- (4) "Department" means the Ohio department of developmental disabilities.
- (5) "Direct services position" has the same meaning as in section 5123.081 of the Revised Code.
- (6) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.
- (7) "Independent provider" means a self-employed person who provides services for which he or she must be certified under this rule and does not employ, either directly or through contract, anyone else to provide the services.
- (8) "Individual" means a person with a developmental disability.
- (9) "Provider" means an agency provider or an independent provider.
- (10) "Related party" has the same meaning as in section 5123.16 of the Revised Code.

## (C) Requirements for independent provider certification

- (1) An independent provider shall:

- (a) Be at least eighteen years of age.
- (b) Have a valid social security number and one of the following forms of identification:
  - (i) State of Ohio identification;
  - (ii) Valid driver's license; or
  - (iii) Other government-issued photo identification.
- (c) Hold a high school diploma or general education development certificate, except for:
  - (i) Persons who, on September 30, 2009, held independent provider certification issued by the department; and
  - (ii) Persons who, on September 30, 2009, were employed by or under contract with an agency provider certified by the department.
- (d) Be 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.
- (e) Hold valid "American Red Cross" or equivalent certification in first aid which includes an in-person skills assessment completed with an approved trainer, except for providers of services exempted in accordance with paragraph (E)(1) of this rule.
- (f) Hold valid "American Red Cross" or equivalent certification in cardiopulmonary resuscitation which includes an in-person skills assessment completed with an approved trainer, except for providers of services exempted in accordance with paragraph (E)(1) of this rule.
- (g) Disclose or report in writing to the department within fourteen days if he or she 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 pursuant to section 5123.166 of the Revised Code.
- (h) Disclose or report in writing to the department if he or she 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.

- (i) Undergo a background investigation in accordance with rule 5123:2-2-02 of the Administrative Code and consent to be enrolled in the Ohio attorney general's retained applicant fingerprint database ("Rapback").
  - (j) Provide and maintain on file with the department, current United States mail and electronic mail addresses.
  - (k) Meet with a representative of the county board after being selected to provide services to an individual and prior to providing services, to discuss the independent provider's responsibilities and requirements set forth in the individual service plan.
  - (l) Participate as requested by the department in service delivery system data collection initiatives.
  - (m) Comply with the requirements of this rule and other standards and assurances established under Chapter 5123. of the Revised Code and rules in Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services provided.
- (2) Prior to application for initial independent provider certification, an applicant shall have successfully completed:
- (a) Department-provided web-based orientation for independent providers.
  - (b) Eight hours of training in accordance with standards established by the department that addresses the following topics, except for providers of services exempted in accordance with paragraph (E)(1) of this rule:
    - (i) Overview of serving individuals with developmental disabilities including implementation of individual service plans;
    - (ii) An independent provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
    - (iii) Universal precautions for infection control including hand washing and the disposal of bodily waste;
    - (iv) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and

- (v) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department.
- (3) Within sixty days of first providing services, an independent provider shall successfully complete training in accordance with standards established by the department in:
- (a) Service documentation; and
  - (b) Billing for services.
- (4) Commencing in the second year of certification, an independent provider shall successfully complete annual training in accordance with standards established by the department in:
- (a) An independent provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
  - (b) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and
  - (c) 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.
- (D) Requirements for agency provider certification
- (1) An agency provider shall employ a chief executive officer who:
- (a) Is at least twenty-one years of age.
  - (b) Has a valid social security number and one of the following forms of identification:
    - (i) State of Ohio identification;
    - (ii) Valid driver's license; or
    - (iii) Other government-issued photo identification.
  - (c) Holds a high school diploma or general education development certificate.
  - (d) Either:

- (i) Holds a bachelor's degree from an accredited college or university; or
  - (ii) 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.
- (e) 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.
- (f) Has at least one year of full-time (or equivalent part-time) paid work experience in the provision of services for individuals with developmental disabilities which included responsibility for:
- (i) Personnel matters;
  - (ii) Supervision of employees;
  - (iii) Program services; and
  - (iv) Financial management.
- (g) Except for a person who, on the day immediately prior to the effective date of this rule, was employed by or under contract with an agency provider as the chief executive officer, 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.
- (h) Except for a person who, on the day immediately prior to the effective date of this rule, was employed by or under contract with an agency provider as the chief executive officer, 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:
- (i) Service documentation;
  - (ii) Billing for services;
  - (iii) Internal compliance programs;
  - (iv) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and

- (v) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department.
  - (i) 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:
    - (i) An agency provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
    - (ii) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and
    - (iii) 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.
  - (j) Undergoes a background investigation in accordance with rule 5123:2-2-02 of the Administrative Code and consents to be enrolled in the Ohio attorney general's retained applicant fingerprint database ("Rapback").
- (2) The chief executive officer or another person designated in writing by the chief executive officer to be responsible for administration of the agency provider shall be directly and actively involved in day-to-day operation of the agency provider and oversee provision of services by the agency provider. When the chief executive officer designates another person to be responsible for administration of the agency provider in accordance with this paragraph, both the chief executive officer and the designated person shall meet the requirements set forth in paragraph (D)(1) of this rule. The agency provider shall report in writing to the department within fourteen days when the chief executive officer designates another person to be responsible for administration of the agency provider.
- (3) An agency provider shall disclose or report in writing to the department if the chief executive officer or other person responsible for administration of the agency provider 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.

- (4) An agency provider shall disclose or report in writing to the department within fourteen days if the chief executive officer or other person responsible for administration of the agency provider 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 pursuant to section 5123.166 of the Revised Code.
- (5) An agency provider shall report in writing to the department within fourteen days when the chief executive officer or other person responsible for administration of the agency provider 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.
- (6) 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).
- (7) An agency provider shall comply with the requirements of this rule and other standards and assurances established under Chapter 5123. of the Revised Code and rules in Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services provided.
- (8) An applicant for initial agency provider certification shall submit to the department:
  - (a) Written policies and procedures that address the agency provider's management practices in the following areas:
    - (i) Person-centered planning and self-determination;
    - (ii) Confidentiality of individuals' records;
    - (iii) Management of individuals' funds;
    - (iv) Incident reporting and investigation;
    - (v) Individuals' satisfaction with services delivered;
    - (vi) Internal monitoring and evaluation procedures to improve services delivered;
    - (vii) Supervision of staff;

- (viii) Staff training plan; and
  - (ix) Annual written notice to each of its employees and contractors explaining the conduct for which the employee or contractor or the contractor's employees may be placed on the abuser registry and setting forth the requirement for each employee, contractor, and employee of a contractor who is engaged in a direct services position to report in writing to the agency provider, if he or she 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.
  - (b) A certificate of good standing from the Ohio secretary of state demonstrating the agency provider's status as a for-profit corporation, nonprofit corporation, limited liability company, or limited liability partnership.
  - (c) An employer identification number from the internal revenue service.
  - (d) An employer identification number from the bureau of workers' compensation.
  - (e) A certificate of comprehensive general liability insurance in the amount of at least five hundred thousand dollars.
- (9) An agency provider shall provide and maintain on file with the department, current United States mail and electronic mail addresses.
- (10) An agency provider shall demonstrate that it has an established internal system to ensure compliance with requirements for:
- (a) Provider certification in accordance with this rule;
  - (b) Background investigations and appropriate actions in accordance with rule 5123:2-2-02 of the Administrative Code for its chief executive officer, other person responsible for administration of the agency provider (if applicable), and each employee, contractor, and employee of a contractor who is engaged in a direct services position; and
  - (c) 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.



- (11) An agency provider shall maintain comprehensive general liability insurance in the amount of at least five hundred thousand dollars.
- (12) 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.
- (13) An agency provider shall be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums.
- (14) An agency provider shall conduct background investigations and take appropriate actions in accordance with rule 5123:2-2-02 of the Administrative Code for its chief executive officer, other person responsible for administration of the agency provider (if applicable), and each employee, contractor, and employee of a contractor who is engaged in a direct services position.
- (15) An agency provider shall enroll each employee, contractor, and employee of a contractor who is engaged in a direct services position in the Ohio attorney general's retained applicant fingerprint database ("Rapback").
  - (a) An employee, contractor, and 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 the bureau of criminal identification and investigation in accordance with rule 5123:2-2-02 of the Administrative Code.
  - (b) An employee, contractor, and employee of a contractor who is engaged in a direct services position hired or engaged by 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 the bureau of criminal identification and investigation in accordance with rule 5123:2-2-02 of the Administrative Code.
- (16) 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.
- (17) An agency provider shall ensure that each employee, contractor, and employee of a contractor engaged in a direct services position:
  - (a) Is at least eighteen years of age.

- (b) Has a valid social security number and one of the following forms of identification:
  - (i) State of Ohio identification;
  - (ii) Valid driver's license; or
  - (iii) Other government-issued photo identification.
- (c) Holds a high school diploma or general education development certificate, except for:
  - (i) Persons who, on September 30, 2009, held independent provider certification issued by the department; and
  - (ii) Persons who, on September 30, 2009, were employed by or under contract with an agency provider certified by the department.
- (d) 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.
- (e) Holds valid "American Red Cross" or equivalent certification in first aid which includes an in-person skills assessment completed with an approved trainer, except for employees, contractors, and employees of contractors engaged in provision of services exempted in accordance with paragraph (E)(1) or (E)(2) of this rule.
- (f) Holds valid "American Red Cross" or equivalent certification in cardiopulmonary resuscitation which includes an in-person skills assessment completed with an approved trainer, except for employees, contractors, and employees of contractors engaged in provision of services exempted in accordance with paragraph (E)(1) or (E)(2) of this rule.
- (g) Successfully completes, prior to providing direct services, eight hours of training in accordance with standards established by the department that addresses the following topics, except for employees, contractors, and employees of contractors engaged in provision of services exempted in accordance with paragraph (E)(1) of this rule:
  - (i) Overview of serving individuals with developmental disabilities including implementation of individual service plans;

- (ii) The role and responsibilities of direct services staff with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
  - (iii) Universal precautions for infection control including hand washing and the disposal of bodily waste;
  - (iv) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and
  - (v) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department.
- (h) Successfully completes, prior to providing direct services, training specific to each individual he or she will support that includes:
- (i) What is important to the individual and what is important for the individual; and
  - (ii) The individual's support needs including, as applicable, behavioral support strategy, management of the individual's funds, and medication administration/delegated nursing.
- (i) 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:
- (i) Service documentation;
  - (ii) Billing for services; and
  - (iii) Management of individuals' funds.
- (j) Successfully completes, commencing in the second year of employment or contract, annual training in accordance with standards established by the department in:
- (i) The role and responsibilities of direct services staff with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;
  - (ii) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and

- (iii) 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.

(E) Exemptions from some requirements for providers of some home and community-based services

- (1) Independent providers and the employees, contractors, and employees of contractors of agency providers of the following home and community-based services are exempt from the requirements to hold first aid certification set forth, as applicable, in paragraph (C)(1)(e) or (D)(17)(e) of this rule; to hold cardiopulmonary resuscitation certification set forth, as applicable, in paragraph (C)(1)(f) or (D)(17)(f) of this rule; and to complete eight hours of training set forth, as applicable, in paragraph (C)(2)(b) or (D)(17)(g) of this rule except that each independent provider and each employee, contractor, and employee of a contractor who is engaged in a direct services position shall complete training in the requirements of rule 5123:2-17-02 of the Administrative Code:
  - (a) Clinical/therapeutic intervention in accordance with rule 5123:2-9-41 of the Administrative Code;
  - (b) Community inclusion-transportation provided by operators of commercial vehicles in accordance with rule 5123:2-9-42 of the Administrative Code, except when the operators of commercial vehicles are under contract with a county board to provide community inclusion-transportation, in which case the operators of commercial vehicles shall not be exempt;
  - (c) Environmental accessibility adaptations in accordance with rule 5123:2-9-23 of the Administrative Code;
  - (d) Functional behavioral assessment in accordance with rule 5123:2-9-43 of the Administrative Code;
  - (e) Home-delivered meals in accordance with rule 5123:2-9-29 of the Administrative Code;
  - (f) Informal respite only when the provider provides informal respite solely to his or her own family member in accordance with rule 5123:2-9-21 of the Administrative Code;
  - (g) Integrated employment only when provided by an independent provider who is the individual's coworker or otherwise employed at the work site in accordance with rule 5123:2-9-44 of the Administrative Code;

- (h) Interpreter services in accordance with rule 5123:2-9-36 of the Administrative Code;
  - (i) Non-medical transportation provided by operators of commercial vehicles in accordance with rule 5123:2-9-18 of the Administrative Code, except when the operators of commercial vehicles are under contract with a county board to provide non-medical transportation, in which case the operators of commercial vehicles shall not be exempt;
  - (j) Nutrition services in accordance with rule 5123:2-9-28 of the Administrative Code;
  - (k) Participant/family stability assistance in accordance with rule 5123:2-9-46 of the Administrative Code;
  - (l) Personal emergency response systems in accordance with rule 5123:2-9-26 of the Administrative Code;
  - (m) Remote monitoring equipment in accordance with rule 5123:2-9-35 of the Administrative Code;
  - (n) Social work in accordance with rule 5123:2-9-38 of the Administrative Code;
  - (o) Specialized medical equipment and supplies in accordance with rule 5123:2-9-25 of the Administrative Code;
  - (p) Support brokerage in accordance with rule 5123:2-9-47 of the Administrative Code; and
  - (q) Transportation provided by operators of commercial vehicles in accordance with rule 5123:2-9-24 of the Administrative Code, except when the operators of commercial vehicles are under contract with a county board to provide transportation, in which case the operators of commercial vehicles shall not be exempt.
- (2) Employees, contractors, and employees of contractors of agency providers of remote monitoring in accordance with rule 5123:2-9-35 of the Administrative Code are exempt from the requirements to hold first aid certification set forth in paragraph (D)(17)(e) of this rule and to hold cardiopulmonary resuscitation certification set forth in paragraph (D)(17)(f) of this rule.

(F) Standards of service provision

- (1) An independent provider and the chief executive officer, person responsible for administration, employees, contractors, and employees of contractors of an agency provider shall:
  - (a) Provide services only to individuals whose needs he or she can meet.
  - (b) Provide services in a person-centered manner.
  - (c) Be able to effectively communicate with each individual receiving services.
  - (d) Be knowledgeable in the individual service plan for each individual served prior to providing services to the individual.
  - (e) Implement services in accordance with the individual service plan.
  - (f) Take all reasonable steps necessary to prevent the occurrence or recurrence of incidents adversely affecting health and safety of individuals served.
  - (g) Comply with the requirements of rule 5123:2-2-06 of the Administrative Code.
  - (h) Arrange for substitute coverage, if necessary, only from a provider certified or approved by the department and as identified in the individual service plan; notify the individual or legally responsible persons in the event that substitute coverage is necessary; and notify the person identified in the individual service plan when substitute coverage is not available to allow such person to make other arrangements.
  - (i) Notify, in writing, the individual or the individual's guardian and the individual's service and support administrator in the event that the provider intends to cease providing services to the individual no less than thirty days prior to termination of services. If, however, an independent provider intends to cease providing services to an individual because the health or safety of the independent provider is at serious and immediate risk, the provider shall immediately notify the county board by calling the county board's twenty-four hour emergency telephone number; once the board has been notified, the independent provider may cease providing services.
- (2) An independent provider and the chief executive officer, person responsible for administration, employees, contractors, and employees of contractors of an agency provider shall not:

- (a) Provide services to his or her minor (under age eighteen) child or his or her spouse;
- (b) Engage in sexual conduct or have sexual contact with an individual for whom he or she is providing care;
- (c) Administer any medication to or perform health care tasks for individuals who receive services unless he or she meets the applicable requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters; or
- (d) Use or be under the influence of the following while providing services:
  - (i) Alcohol;
  - (ii) Illegal drugs;
  - (iii) Illegal chemical substances; or
  - (iv) Controlled substances that may adversely affect his or her ability to furnish services.

(G) Procedure for obtaining initial certification

- (1) The applicant shall submit an application to the department, via the department's website (<http://dodd.ohio.gov/providers/certificationlicensure/pages/default.aspx>), for supported living services and the home and community-based services the applicant seeks to deliver in accordance with procedures prescribed by the department.
- (2) The applicant shall submit supporting documentation as evidence that standards are met as required by this rule and service-specific standards established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code.
- (3) An application is considered complete when the department has received from the applicant all completed components of the application, including applicable signatures and supporting documentation that demonstrates compliance with the certification standards for the services the applicant is seeking to deliver, and the application fee specified in paragraph (L) of this rule.
- (4) When the application is complete, the department shall review the application and notify the applicant by electronic mail of its decision to approve or deny certification within thirty days of receipt of the complete application.

The notification shall specify the effective date and expiration date of the certification and the specific services for which the applicant is approved. When the department approves certification for an applicant seeking to deliver home and community-based services, the department shall initiate the process for the applicant to obtain a medicaid provider number from the Ohio department of medicaid; the department shall notify the certified provider by electronic mail within ten days of receipt of the medicaid provider number.

- (5) When the application is incomplete, the department shall, within thirty days of receipt of the application, notify the applicant by electronic mail that the application is deficient and advise that the applicant has thirty days to submit components needed to complete the application.
    - (a) When components are received by the department within the specified thirty days that result in a complete application, the department shall review the application and notify the applicant by electronic mail of its decision to approve or deny the certification within thirty days of receipt of the complete application. The notification shall specify the effective date and expiration date of the certification and the specific services for which the applicant is approved. When the department approves certification for an applicant seeking to deliver home and community-based services, the department shall initiate the process for the applicant to obtain a medicaid provider number from the Ohio department of medicaid; the department shall notify the certified provider by electronic mail within ten days of receipt of the medicaid provider number.
    - (b) If after thirty days, the applicant fails to submit components that result in a complete application, the department shall take no further action with respect to the application.
- (H) Procedure for obtaining certification to provide additional home and community-based services during the term of existing department-issued certification
- (1) A department-certified provider seeking to deliver additional home and community-based services shall submit an application to the department via the department's website ([http://dodd.ohio.gov/providers/certification\\_licensure/pages/default.aspx](http://dodd.ohio.gov/providers/certification_licensure/pages/default.aspx)).
  - (2) The applicant shall submit supporting documentation as evidence that standards are met as required by this rule and service-specific standards established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code.



- (3) An application is considered complete when the department has received from the applicant all completed components of the application, including applicable signatures and supporting documentation that demonstrates compliance with the certification standards for the services the applicant is seeking to deliver, and the application fee specified in paragraph (L) of this rule.
- (4) When the application is complete, the department shall review the application and notify the applicant by electronic mail of its decision to approve or deny certification within thirty days of receipt of the complete application. The notification shall specify the effective date and expiration date of the certification and the specific services for which the applicant is approved.
- (5) When the application is incomplete, the department shall, within thirty days of receipt of the application, notify the applicant by electronic mail that the application is deficient and advise that the applicant has thirty days to submit components needed to complete the application.
  - (a) When components are received by the department within the specified thirty days that result in a complete application, the department shall review the application and notify the applicant by electronic mail of its decision to approve or deny the additional certification within thirty days of receipt of the complete application. The notification shall specify the effective date and expiration date of the certification and the specific services for which the applicant is approved.
  - (b) If after thirty days, the applicant fails to submit components that result in a complete application, the department shall take no further action with respect to the application.

(I) Procedure for obtaining renewal certification

- (1) The department shall notify providers by electronic mail to the address on file of required certification renewal no later than ninety days prior to the date the provider's certification expires. The notification shall include the procedures for submitting the certification renewal application and application fee in accordance with this rule.
- (2) The provider shall submit, via the department's website (<http://dodd.ohio.gov/providers/certificationlicensure/pages/default.aspx>), the certification renewal application with supporting documentation as evidence that standards are met as required by this rule and service-specific standards established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code.

- (3) An application is considered complete when the department has received from the applicant all completed components of the application, including applicable signatures and supporting documentation that demonstrates compliance with the certification standards for the services the applicant is seeking to deliver, and the application fee specified in paragraph (L) of this rule.
- (4) When the application is complete, the department shall review the application and notify the applicant by electronic mail of its decision to approve or deny certification within thirty days of receipt of the complete application. The notification shall specify the effective date and expiration date of the certification and the specific services for which the applicant is approved.
- (5) When the application is incomplete, the department shall, within thirty days of receipt of the application, notify the applicant by electronic mail that the application is deficient and advise that the applicant has thirty days to submit components needed to complete the application.
  - (a) When components are received by the department within the specified thirty days that result in a complete application, the department shall review the application and notify the applicant by electronic mail of its decision to approve or deny the renewal certification within thirty days of receipt of the complete application. The notification shall specify the effective date and expiration date of the certification and the specific services for which the applicant is approved.
  - (b) If after thirty days, the applicant fails to submit components that result in a complete application, the department shall take no further action with respect to the application.
- (6) A provider's failure to submit a complete certification renewal application at least thirty days in advance of certification expiration may result in a lapse of certification during which the provider shall not provide nor be reimbursed for provision of services.
- (7) A provider's failure to submit a complete certification renewal application prior to certification expiration shall result in a lapse of certification from the date of certification expiration to the date a complete certification renewal application is received by the department during which the provider shall not provide nor be reimbursed for provision of services.
- (8) A provider shall not provide services nor submit claims for reimbursement for services delivered subsequent to expiration of the provider's certification.

(J) Application for certification subsequent to expiration

- (1) An applicant whose certification has been expired for less than one year shall be required to apply for and meet the requirements for renewal certification.
- (2) An applicant whose certification has been expired for one year or more shall be required to apply for and meet the requirements for initial certification.

(K) Certification terms

- (1) Initial certification shall be issued for a term of three years.
- (2) Renewal certification shall be issued for a term of three years.
- (3) Certification to provide additional home and community-based services shall be issued for the remainder of the term of the applicant's existing initial certification or renewal certification.

(L) Application fees

- (1) Applicants seeking certification to provide the following home and community-based services shall not be subject to an application fee:
  - (a) Clinical/therapeutic intervention in accordance with rule 5123:2-9-41 of the Administrative Code;
  - (b) Community inclusion-transportation provided by operators of commercial vehicles in accordance with rule 5123:2-9-42 of the Administrative Code;
  - (c) Environmental accessibility adaptations in accordance with rule 5123:2-9-23 of the Administrative Code;
  - (d) Functional behavioral assessment in accordance with rule 5123:2-9-43 of the Administrative Code;
  - (e) Home-delivered meals in accordance with rule 5123:2-9-29 of the Administrative Code;
  - (f) Informal respite only when the provider provides informal respite solely to his or her own family member in accordance with rule 5123:2-9-21 of the Administrative Code;
  - (g) Integrated employment only when provided by an independent provider who is the individual's coworker or otherwise employed at the work site in accordance with rule 5123:2-9-44 of the Administrative Code;

- (h) Interpreter services in accordance with rule 5123:2-9-36 of the Administrative Code;
  - (i) Non-medical transportation provided by operators of commercial vehicles in accordance with rule 5123:2-9-18 of the Administrative Code;
  - (j) Nutrition services in accordance with rule 5123:2-9-28 of the Administrative Code;
  - (k) Participant/family stability assistance in accordance with rule 5123:2-9-46 of the Administrative Code;
  - (l) Personal emergency response systems in accordance with rule 5123:2-9-26 of the Administrative Code;
  - (m) Remote monitoring equipment in accordance with rule 5123:2-9-35 of the Administrative Code;
  - (n) Social work in accordance with rule 5123:2-9-38 of the Administrative Code;
  - (o) Specialized medical equipment and supplies in accordance with rule 5123:2-9-25 of the Administrative Code;
  - (p) Support brokerage in accordance with rule 5123:2-9-47 of the Administrative Code; and
  - (q) Transportation provided by operators of commercial vehicles in accordance with rule 5123:2-9-24 of the Administrative Code.
- (2) Applicants seeking certification to provide services other than those specified in paragraph (L)(1) of this rule shall submit an application fee at the time of application for initial certification, application for certification to provide additional home and community-based services during the term of existing department-issued certification, and application to renew certification.
- (a) Application fees for initial certification and renewal certification
    - (i) The application fee for an independent provider seeking initial certification or renewal certification shall be one hundred twenty-five dollars.

- (ii) The application fee for a small agency provider (i.e., one that serves or plans to serve fifty or fewer individuals) seeking initial certification or renewal certification shall be eight hundred dollars.
  - (iii) The application fee for a large agency provider (i.e., one that serves or plans to serve fifty-one or more individuals) seeking initial certification or renewal certification shall be one thousand six hundred dollars.
- (b) Application fees for certification to provide additional home and community-based services during the term of existing certification
  - (i) The application fee for an independent provider seeking certification to provide additional home and community-based services shall be twenty-five dollars.
  - (ii) The application fee for a small agency provider (i.e., one that serves or plans to serve fifty or fewer individuals) seeking certification to provide additional home and community-based services shall be seventy-five dollars.
  - (iii) The application fee for a large agency provider (i.e., one that serves or plans to serve fifty-one or more individuals) seeking certification to provide additional home and community-based services shall be one hundred fifty dollars.
- (3) Applicants shall pay application fees by electronic funds transfer via the department's website (<http://dodd.ohio.gov/providers/certificationlicensure/pages/default.aspx>).
- (4) Application fees are non-refundable.

(M) Denial, suspension, or revocation of certification

- (1) The department may deny an application for certification based on the applicant's failure to comply with the requirements of this rule or other standards and assurances established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services the applicant is seeking to deliver.
- (2) Certified providers shall comply with the continuing certification standards set forth in this rule. Certified providers shall be subject to monitoring and compliance reviews as set forth in rules promulgated by the department. Failure to comply with the requirements set forth in this rule or other standards and

assurances established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services provided may result in corrective action by the department, up to and including suspension, denial of renewal, or revocation of certification.

(3) The department may deny, suspend, or revoke a provider's certification for good cause, including the following:

(a) Mifeasance;

(b) Malfeasance;

(c) Nonfeasance;

(d) Substantiated abuse or neglect;

(e) Financial irresponsibility;

(f) Failure to meet the requirements of this rule;

(g) Other conduct the department determines is injurious to individuals being served;

(h) Failure to comply with other applicable rules;

(i) Failure to submit claims for reimbursement for twelve consecutive months;  
or

(j) The conviction or guilty plea of the independent provider or the chief executive officer or other person responsible for administration of the agency provider 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.

(4) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.166 of the Revised Code.

(5) When the department denies a renewal of certification, the provider shall comply with the department's adjudication order within thirty days of the date of the mailing of the order.

(N) Department's authority to waive provisions of this rule

(1) When requested in writing with sufficient justification that demonstrates that the health and safety of individuals will not be adversely affected, the department

may grant written, time-limited permission to applicants and certified providers to waive specific provisions of this rule.

- (2) The department's decision regarding the request to have a provision of this rule waived shall not be subject to appeal.

(O) Home and community-based services

Home and community-based services shall not be subject to sections 5126.40 to 5126.47 of the Revised Code.

Effective: 9/1/2021

Five Year Review (FYR) Dates: 2/26/2021

CERTIFIED ELECTRONICALLY

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Certification

05/10/2021

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Date

Promulgated Under: 119.03  
Statutory Authority: 5123.04, 5123.1610  
Rule Amplifies: 5123.04, 5123.045, 5123.16, 5123.161, 5123.162,  
5123.163, 5123.164, 5123.165, 5123.166, 5123.168,  
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