

To view the full list of Rules in effect visit: <https://doddportal.dodd.ohio.gov/rules/ineffect/Pages/default.aspx>

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

*(Qualification section quoted below)*

(C) (2) Each independent provider; each member of a family consortium; each chief executive officer or person responsible for administration of an agency provider; and each employee, contractor, and employee of a contractor of an agency provider who is engaged in a direct services position shall:

(a) Be at least eighteen years of age.

(b) Hold a high school diploma or GED, except for:

(i) Persons who, on the day immediately prior to the effective date of this rule, hold individual provider certification issued by the department; and

(ii) Persons who, on the day immediately prior to the effective date of this rule, are employed by or under contract with an agency provider certified by the department.

(c) Have a valid social security number and one of the following forms of identification:

(i) State of Ohio identification;

(ii) A valid driver's license; or

(iii) Other government-issued photo identification.

(d) Have, at the point of application for initial certification in the case of an agency provider and at the point of application for initial and renewal certification in the case of an independent provider, a current report from the bureau of criminal identification and investigation (BCII), which demonstrates that he/she has not been convicted of or pleaded guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code. If the subject of the background investigation cannot present proof that he/she has been a resident of Ohio for the five-year period immediately prior to the date of the background investigation, he/she shall request that BCII obtain information regarding his/her criminal record from the federal bureau of investigation. A BCII report shall be considered current if it is not more than one year old.

(e) Not be listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code.

(f) Not be listed on the nurse aide registry established pursuant to section 3721.32 of the Revised Code indicating that the director of the Ohio department of health has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term care facility or residential care facility by the person.

(g) 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.

(h) Be able to effectively communicate with the individual receiving services.

(3) Except for providers of services specified in paragraph (C)(4) of this rule and members of a family consortium, each independent provider and each employee, contractor, and employee of a contractor of an agency provider who is engaged in a direct services position, shall meet the following requirements:

(a) Hold valid "American Red Cross" or equivalent certification in first aid.

(b) Hold valid "American Red Cross" or equivalent certification in cardiopulmonary resuscitation ("CPR").

(c) Have completed, prior to application for initial certification in the case of an independent provider and prior to providing services in the case of an employee, contractor, or employee of a contractor of an agency provider, eight hours of training in accordance with guidelines established by the department that addresses the following topics:

(i) Overview of serving individuals with developmental disabilities;

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

(iii) Overview of basic principles and requirements of providing home and community-based services (HCBS) waiver services;

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

(v) Universal precautions for infection control, including hand washing and the disposal of bodily waste.

➔ Members of a family consortium and providers of the following HCBS waiver services are exempt from the requirements set forth in paragraph (C)(3) of this rule:

(a) Adaptive and assistive equipment;

(b) Environmental accessibility adaptations;

(c) Home delivered meals;

(d) Informal respite only if provided to the provider's own family member;

(e) Interpreter;

(f) Nutrition;

(g) Personal emergency response systems;

(h) Social work; and

(i) Specialized medical equipment and supplies.

**(D) Additional standards for agency providers**

(1) Agency providers shall provide evidence to the department to demonstrate that the applicant employs a chief executive officer or a person responsible for administration of the agency who has the following qualifications:

(a) At least one year of full-time, paid work experience in the provision of services to individuals with developmental disabilities which included responsibility for the following functions:

- (i) Personnel matters;
- (ii) Supervision of employees;
- (iii) Program services; and
- (iv) Financial management.

(b) A bachelor's degree from an accredited institution or at least four years of full-time, paid work experience as a supervisor of programs or services for individuals with developmental disabilities.

(2) Agency providers shall ensure that, at a frequency of at least once every three years, the chief executive officer or person responsible for administration of the agency and each employee, contractor, and employee of a contractor who is engaged in a direct services position shall undergo a background check by BCII which demonstrates that he/she has not been convicted of or pleaded guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code.

(3) Agency providers shall provide to the department written policies and procedures that address the agency's management practices in the following areas:

- (a) Principles of individuals' self-determination;
- (b) Confidentiality of individuals' records;
- (c) Safeguarding individuals' funds;
- (d) Incident reporting and investigation;
- (e) Individuals' satisfaction with services delivered;
- (f) Internal monitoring and evaluating procedures to improve services delivered;
- (g) Supervision of staff;
- (h) Staff training plan; and
- (i) 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/she is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed in division(E) of section 5126.28 of the Revised Code within fourteen calendar days after the date of such charge, conviction, or guilty plea.