

## Agency Provider Certification Requirements Proposed and Existing

Proposed Rule 5123-2-08	Existing Rule 5123:2-2-01
(C)(1): Be in good standing with Secretary of State	(D)(8)(b): Be in good standing with Secretary of State
(C)(2): Hold Medicaid provider agreement (if providing Home and Community-Based Services)	(G)(4): Hold Medicaid provider agreement (if providing Home and Community-Based Services)
(C)(3): Comply with DODD rules	(D)(7): Comply with DODD rules
(C)(4): Have continuing line of credit of at least \$10,000	
(C)(5): Have general liability insurance of \$1,000,000 which includes coverage for individuals' losses due to theft or property damage	(D)(8)(e) & (D)(11): Have comprehensive general liability insurance of \$500,000
(C)(6): Provide and maintain current physical address, telephone number, and email address	(D)(9): Provide and maintain current U.S. mail and email addresses
(C)(7): Provide within 14 days name, date of birth, and SSN for any person acquiring financial interest of 5% or more in agency provider	(D)(6): Provide name, country of birth, date of birth, and SSN for any person owning financial interest of 5% or more in agency provider
(C)(8): Notify DODD within 7 days of any bankruptcy petition for which the agency provider is the subject and provide related documents upon request	
(C)(9): Participate in DODD data collection initiatives	(D)(16): Participate in DODD data collection initiatives
(D)(1): Have written policies and procedures in: <ul style="list-style-type: none"> <li>• person-centered planning and self-determination</li> <li>• individuals' satisfaction with services delivered</li> <li>• internal monitoring and evaluation procedures to improve services delivered</li> <li>• supervision of staff</li> <li>• written training plan</li> <li>• service delivery</li> <li>• background investigations</li> <li>• volunteers (when agency provider engages volunteers)</li> </ul>	(D)(8)(a): Have written policies and procedures in: <ul style="list-style-type: none"> <li>• person-centered planning and self-determination</li> <li>• confidentiality of individuals' records</li> <li>• management of individuals' funds</li> <li>• incident reporting and investigation</li> <li>• individuals' satisfaction with services delivered</li> <li>• internal monitoring and evaluation procedures to improve services delivered</li> <li>• supervision of staff</li> <li>• staff training plan</li> <li>• annual written notice to employees explaining Abuser Registry and requirement to report disqualifying offenses within 14 days</li> </ul>
(D)(2): Demonstrate established internal compliance program for: <ul style="list-style-type: none"> <li>• provider certification</li> <li>• background investigations</li> <li>• delivery, documentation, and billing for services</li> <li>• management of individuals' funds</li> </ul>	(D)(10): Demonstrate established internal compliance system for: <ul style="list-style-type: none"> <li>• provider certification</li> <li>• background investigations</li> <li>• delivery, documentation, and billing for services</li> </ul>

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<p>(D)(3): When agency provider is governed by board of directors, board members shall:</p> <ul style="list-style-type: none"> <li>• ensure fiscal integrity of agency provider by reviewing and approving annual audit or annual financial statements and by monitoring agency provider's financial status including trends and challenges</li> <li>• review and evaluate all compliance review reports by DODD or county board and agency provider's response including plan of correction</li> <li>• monitor effectiveness of agency provider's internal compliance program</li> <li>• promote delivery of high quality services.</li> </ul>	
(E)(1): Employ at least one person in addition to Director of Operations	(B)(1): Employ at least one person in addition to CEO
(E)(2): Comply with federal, state, and local requirements pertaining to employment of staff	(D)(12): Comply with federal, state, and local requirements pertaining to employment of staff
	(D)(8)(c): Have employer identification number from Internal Revenue Service
	(D)(8)(d): Have employer identification number from Bureau of Workers' Compensation
(E)(3): Be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums	(D)(13): Be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums
(E)(4): Conduct background investigations and take appropriate actions in accordance with rule 5123-2-02 (Background Investigations for Employment)	(D)(14): Conduct background investigations and take appropriate actions in accordance with rule 5123-2-02 (Background Investigations for Employment)
(E)(5): Annually notify staff of conduct for which staff may be placed on Abuser Registry and setting forth requirement for staff to report disqualifying offenses	(D)(8)(a)(ix): Annually notify staff of conduct for which staff may be placed on Abuser Registry and setting forth requirement for staff to report disqualifying offenses
(F)(1) & (F)(2): Develop and implement written training plan and maintain written records of training	
(G)(1)(a): Provide services only to individuals whose needs agency provider can meet	(F)(1)(a): Provide services only to individuals whose needs agency provider can meet
(G)(1)(b): Communicate effectively with each individual served	(F)(1)(c): Communicate effectively with each individual served
(G)(1)(c): Ensure Direct Support Professionals are knowledgeable in individual service plan for each individual served prior to serving individual	(F)(1)(d): Ensure staff are knowledgeable in individual service plan for each individual served prior to serving individual
(G)(1)(d): Implement services in accordance with individual service plan and in person-centered manner	(F)(1)(b) & (F)(1)(e): Implement services in accordance with individual service plan and in person-centered manner
(G)(1)(e): Comply with rule 5123:2-2-06 (Behavioral Support Strategies)	(F)(1)(g): Comply with rule 5123:2-2-06 (Behavioral Support Strategies)
(G)(1)(f): Take all reasonable steps to prevent major unusual incidents and unusual incidents	(F)(1)(f): Take all reasonable steps to prevent major unusual incidents and unusual incidents
(G)(2): Upon realization that it may be unable to continue to serve individual, engage individual and Service and Support Administrator to consider alternative strategies	(F)(1)(h): Arrange for substitute coverage if necessary only from provider certified or approved by DODD and as identified in individual service plan; notify the individual or legally responsible persons; notify person identified in individual service plan when substitute coverage is not available

Proposed Rule 5123-2-08	Existing Rule 5123:2-2-01
(G)(3): Notify in writing, individual and Service and Support Administrator that agency provider intends to cease providing services no less than 30 days prior to termination of services and convey documents and records to Service and Support Administrator as requested	(F)(1)(i): Notify in writing, individual and Service and Support Administrator that agency provider intends to cease providing services no less than 30 days prior to termination of services
(G)(4): Ensure Direct Support Professional does not: <ul style="list-style-type: none"> <li>• provide services to his/her minor child or spouse</li> <li>• provide services to minor child or spouse of Director of Operations</li> <li>• administer medication or perform health-related activities unless he/she meets applicable requirements</li> <li>• use or be under the influence of alcohol, illegal drugs, illegal chemical substances, or controlled substances that may adversely affect ability to furnish services</li> </ul>	(F)(2): Ensure CEO, person responsible for administration, employee, contractor, and employee of contractor does not: <ul style="list-style-type: none"> <li>• provide services to his/her minor child or spouse</li> <li>• administer medication or perform health-related activities unless he/she meets applicable requirements</li> <li>• use or be under the influence of alcohol, illegal drugs, illegal chemical substances, or controlled substances that may adversely affect ability to furnish services</li> </ul>
(H)(1): An agency provider shall employ Director of Operations who: <ul style="list-style-type: none"> <li>• has a valid birth certificate</li> <li>• is at least 21 years of age</li> <li>• has Social Security card and ID</li> <li>• is able to read, write, and understand English</li> <li>• holds high school diploma or GED</li> <li>• holds bachelor's degree OR has 4 years of paid work experience as supervisor of specialized services OR has 4 years of experience providing care to a family member (i.e., parent, child, or sibling) with DD</li> <li>• has 1 year of paid work experience in specialized services OR 4 years of experience providing care to a family member (i.e., parent, child, or sibling) with DD</li> <li>• has 1 year of paid work experience [may be in any field/organization/business] in: <ul style="list-style-type: none"> <li>○ supervision of employees</li> <li>○ development, oversight, and/or supervision of programs or services</li> <li>○ financial management of an organization</li> </ul> </li> </ul>	(D)(1): An agency provider shall employ CEO who: <ul style="list-style-type: none"> <li>• is at least 21 years of age</li> <li>• has Social Security number and ID</li> <li>• is able to read, write, and understand English</li> <li>• holds high school diploma or GED</li> <li>• holds bachelor's degree OR has 4 years of paid work experience as supervisor of programs or services for individuals with DD</li> <li>• has 1 year of paid work experience in provision of services for individuals with DD which included responsibility for: <ul style="list-style-type: none"> <li>○ personnel matters</li> <li>○ supervision of employees</li> <li>○ program services</li> <li>○ financial management</li> </ul> </li> </ul>
(H)(2)/Appendix A: Prior to initial certification or within 30 days of hire, Director of Operations shall complete DODD-provided: <ul style="list-style-type: none"> <li>• web-based orientation for Directors of Operations</li> <li>• training in empathy-based care</li> </ul>	(D)(1)(g): Within 30 days of initial certification/hire, the CEO shall complete DODD-provided web-based orientation for CEOs

Proposed Rule 5123-2-08	Existing Rule 5123:2-2-01
	(D)(1)(h): Within 60 days of initial certification/hire, the CEO shall complete training in: <ul style="list-style-type: none"> <li>• service documentation</li> <li>• billing for services</li> <li>• internal compliance programs</li> <li>• rights of individuals</li> <li>• rule 5123-17-02 including Health &amp; Welfare Alerts issued by DODD</li> </ul>
(H)(3)/Appendix A: Director of Operations shall annually complete: <ul style="list-style-type: none"> <li>• 2 hours of DODD-provided web-based training in:               <ul style="list-style-type: none"> <li>○ essential topics relevant to the agency provider's role and responsibilities</li> <li>○ empathy-based care</li> <li>○ rule 5123-17-02 including Health &amp; Welfare Alerts issued by DODD since previous year's training</li> </ul> </li> <li>• 4 hours of training selected by Director of Operations in topics relevant to services provided and individuals served by the agency provider and/or management of the agency provider</li> </ul>	(D)(1)(i): CEO shall annually complete training in: <ul style="list-style-type: none"> <li>• agency provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy</li> <li>• rights of individuals</li> <li>• rule 5123-17-02 including Health &amp; Welfare Alerts issued by DODD since previous year's training</li> </ul>
(H)(4): Director of Operations shall undergo background investigation and consent to be enrolled in Rapback	(D)(1)(j): CEO shall undergo background investigation and consent to be enrolled in Rapback
(B)(8): Director of Operations shall be directly and actively involved in day-to-day operation of agency provider and oversee provision of services	(D)(2): CEO shall be directly and actively involved in day-to-day operation of agency provider and oversee provision of services OR designate another person to be responsible for administration
(I)(9): Director of Operations shall designate in writing a staff member to whom executive authority has been delegated in his or her temporary absence.	(D)(2): Notify DODD within 14 days when CEO designates another person to be responsible for administration
(I)(1): Notify DODD within 14 days if Director of Operations is charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for disqualifying offense	(D)(3): Notify DODD within 14 days if CEO or person responsible for administration is charged with, is convicted of, or pleads guilty to disqualifying offense
(I)(2): Notify DODD within 14 days if Director of Operations is/becomes related party of person or entity for which DODD denied or revoked certification	(D)(4): Notify DODD within 14 days if CEO or person responsible for administration is/becomes related party of person or entity for which DODD denied or revoked certification
(I)(3): Notify DODD within 14 days of determining that Director of Operations has had professional registration, certification, or license (other than driver's license) suspended or revoked.	
(I)(4) & (I)(5): Notify DODD within 14 days when Director of Operations leaves or joins agency; when Director of Operations leaves, report plan for identifying new Director of Operations and to whom executive authority has been delegated in the interim	(D)(5): Notify DODD within 14 days when CEO or person responsible for administration leaves agency, when agency provider anticipates filling position, and to whom executive authority has been delegated in interim
(I)(7): Inform DODD if Director of Operations serves in that role for more than one agency provider	

Proposed Rule 5123-2-08	Existing Rule 5123:2-2-01
(I)(8): Inform DODD if Director of Operations is or was Director of Operations of an agency provider at a point in time within the last 5 years when the agency provider had its provider certification revoked or not renewed	
(J)(1) & (J)(2): Ensure each Direct Support Professional: <ul style="list-style-type: none"> <li>• is at least 18 years of age</li> <li>• holds high school diploma or GED</li> <li>• is able to read, write, and understand English</li> <li>• holds First Aid certification</li> <li>• holds CPR certification</li> </ul>	(D)(17)(a) - (D)(17)(f): Ensure each direct services staff: <ul style="list-style-type: none"> <li>• is at least 18 years of age</li> <li>• has SSN and ID</li> <li>• holds high school diploma or GED</li> <li>• is able to read, write, and understand English</li> <li>• holds First Aid certification</li> <li>• holds CPR certification</li> </ul>
(J)(3)/Appendix C: Ensure prior to providing direct services, each Direct Support Professional completes: <ul style="list-style-type: none"> <li>• Training provided by agency provider in: <ul style="list-style-type: none"> <li>○ mission, vision, values, and organizational structure of agency provider</li> <li>○ policies, procedures, and work rules of agency provider</li> <li>○ overview of specific services provided by agency provider</li> <li>○ service documentation that supports billing for services provided</li> </ul> </li> <li>• Training provided by DODD or entity using DODD-provided curriculum in: <ul style="list-style-type: none"> <li>○ empathy-based care</li> <li>○ role of Direct Support Professional including National Alliance for Direct Support Professionals Code of Ethics</li> <li>○ rights of individuals</li> <li>○ implementation of individual service plans and service outcomes</li> <li>○ recognizing and reporting major unusual incidents and unusual incidents</li> <li>○ universal precautions for infection control</li> </ul> </li> <li>• Training provided by agency provider specific to individual service plan of each individual Direct Support Professional will support regarding what is important to the individual and what is important for the individual</li> </ul>	(D)(17)(g): Ensure prior to providing direct services, direct services staff complete 8 hours of training in accordance with standards established by DODD in: <ul style="list-style-type: none"> <li>• overview of serving individuals with DD including implementation of individual service plan</li> <li>• role and responsibilities of direct services staff with regard to services including person-centered planning, community integration, self-determination, and self-advocacy</li> <li>• universal precautions for infection control</li> <li>• rights of individuals</li> <li>• rule 5123-17-02 including Health &amp; Welfare Alerts issued by DODD</li> </ul> (D)(17)(h): Ensure prior to providing direct services, direct services staff complete training specific to each individual he or she will support including: <ul style="list-style-type: none"> <li>• what is important to the individual and for the individual</li> <li>• individual's support needs including behavioral support strategy, management of individual's funds, and medication administration/delegated nursing</li> </ul>
(J)(3)/Appendix C: Ensure each Direct Support Professional completes within 30 days of hire: <ul style="list-style-type: none"> <li>• Training provided by DODD or entity using DODD-provided curriculum in: <ul style="list-style-type: none"> <li>○ Person-centered planning and provision of services</li> <li>○ Facilitating community participation and integration for individuals served</li> <li>○ Provisions of rule 5123-17-02 relevant to Direct Support Professional's duties including Health &amp; Welfare Alerts issued by DODD</li> </ul> </li> <li>• DODD-provided training in empathy-based care</li> </ul>	

Proposed Rule 5123-2-08	Existing Rule 5123:2-2-01
<p>(J)(3)/Appendix C: Ensure each Direct Support Professional annually completes:</p> <ul style="list-style-type: none"> <li>• 2 hours of training provided by DODD or entity using DODD-provided curriculum in topics relevant to Direct Support Professional's duties including: <ul style="list-style-type: none"> <li>○ National Alliance for Direct Support Professionals Code of Ethics</li> <li>○ rights of individuals</li> <li>○ empathy-based care</li> </ul> </li> <li>• 6 hours of training provided or arranged by the agency provider in: <ul style="list-style-type: none"> <li>○ Agency-specific date regarding major unusual incidents and strategies for preventing major unusual incidents</li> <li>○ Health &amp; Welfare Alerts issued by DODD since previous year's training</li> <li>○ Topics relative to services provided and people served by agency provider</li> </ul> </li> </ul>	<p>(D)(17)(j): Ensure direct services staff annually complete training in:</p> <ul style="list-style-type: none"> <li>• role and responsibilities of direct services staff with regard to services including person-centered planning, community integration, self-determination, and self-advocacy</li> <li>• rights of individuals</li> <li>• rule 5123-17-02 including Health &amp; Welfare Alerts issued by DODD since previous year's training</li> </ul>
<p>(K): Ensure staff who supervise Direct Support Professionals, within 90 days of becoming supervisor, complete training regarding all relevant duties and responsibilities of being supervisor for agency provider</p>	<p>(D)(17)(i): Ensure staff who supervise direct services staff, within 90 days of becoming supervisor, complete training in agency provider's policies and procedures regarding:</p> <ul style="list-style-type: none"> <li>• service documentation</li> <li>• billing for services</li> <li>• management of individual's funds</li> </ul>
<p>(L)(4): Ensure volunteers who provide more than 40 hours of service working directly with individuals served by agency provider during a calendar year:</p> <ul style="list-style-type: none"> <li>• Receive training in: <ul style="list-style-type: none"> <li>○ role of volunteer including the National Alliance for Direct Support Professionals Code of Ethics and rights of individuals</li> <li>○ recognizing and reporting major unusual incidents and unusual incidents</li> <li>○ overview of emergency procedures</li> </ul> </li> <li>• Undergo background investigations</li> </ul>	