



Department of Developmental Disabilities

Mike DeWine, Governor
Jeff Davis, Director

Temporary Approval of Direct Support Assistants

Employers throughout Ohio are facing an unprecedented workforce crisis. Agency providers and residential facilities certified or licensed by the Ohio Department of Developmental Disabilities are no exception. Without intervention, the workforce crisis will jeopardize the health and safety of some of Ohio's most vulnerable individuals, those with developmental disabilities, who depend on services and supports from agency providers or licensed residential facilities. In response, the Department is testing solutions to determine their long-term effectiveness. The Department's goal is to supplement the workforce with talented individuals who may not meet the age requirement in rule but are otherwise well-qualified to provide services to individuals with developmental disabilities.

The agency provider certification rule, Ohio Adm. Code 5123-2-08, and the licensed residential facility rule, Ohio Adm. Code 5123:2-3-01, require that all direct support professionals be at least 18 years of age. However, the department can waive provisions of both rules for good cause. See Ohio Adm. Code 5123-2-08(T) and 5123-3-10(C).

For good cause shown, Ohio Adm. Code 5123-2-08(J)(1)(a) and Ohio Adm. Code 5123:2-3-01(F)(1)(a) are waived **effective September 17, 2021, through September 30, 2022**. Under this waiver, agency providers and licensed residential facilities can employ persons who are sixteen or seventeen years of age only to perform limited duties as direct support assistants. Direct support assistants shall:

- (1) Undergo a background investigation for employment in accordance with Ohio Adm. Code 5123-2-02.
- (2) Meet the training requirements for direct support professionals set forth in Appendix C of Ohio Adm. Code 5123-2-08 or Ohio Adm. Code 5123:2-3-01.
- (3) A person employed as a direct support assistant shall, at all times, work in the company of an employee of the agency provider who is at least eighteen years of age and:
 - (a) Meets the requirements set forth in Ohio Adm. Code 5123-2-08 or Ohio Adm. Code 5123:2-3-01; and

(b) Is physically present at the location where services are being provided.

(4) A person employed as a direct support assistant shall not, under any circumstances:

(a) Provide intimate personal care such as dressing, showering, bathing, toileting, or changing undergarments;

(b) Operate a vehicle to transport an individual receiving services;

(c) Administer medication or perform health-related activities; or

(d) Provide any care or perform any task for an individual expressly forbidden by the individual (e.g., provide assistance with eating).

(5) An agency provider shall not assign a direct support assistant to provide services to an individual who does not consent to having services provided by a direct support assistant.

The agency or licensed facility must continue to ensure individuals with developmental disabilities receive quality services provided by capable staff.

Rendered this 17th day of September 2021.

A handwritten signature in black ink, appearing to be 'JD' with a stylized flourish.

Jeff Davis, Director