

## **Temporary Waiver Guidance**

Due to the statewide workforce crisis, DODD is offering agencies and licensed facilities two options to assist with recruiting qualified employees to provide direct supports. These options include the temporary waiver of the requirement for DSPs to have a high school diploma or GED and the temporary approval of Direct Support Assistants. These options will be in effect from September 17, 2021, through September 30, 2022. Providers will be required to report information regarding those employed under either of these options to determine long-term effectiveness.

### **Waiver of High School Diploma/GED Requirement**

Agency providers and licensed facilities will be permitted to hire DSPs who do not meet the educational requirements without requesting either an agency or DSP-specific rule waiver from OSSAS. Agencies and facilities hiring DSPs under this temporary waiver must ensure the following:

- DSPs without a high school diploma or GED are not certified for medication administration and do not administer medication. DSPs without a high school diploma/GED cannot be certified to administer medication.
- DSPs must meet all other requirements in the rule.
- The agency/facility must have a method for tracking DSPs working under a waiver of the education requirement to ensure the agency/ facility employs a sufficient number of DSPs to meet medication administration responsibilities.

At the end of the temporary waiver period, DSPs who have maintained employment with the same agency/licensed facility will be permitted to continue working for the same provider without an additional rule waiver. This includes DSPs who were working under an agency or DSP-specific education waiver issued to the provider prior to 10/1/2021.

### **Direct Support Assistants**

In addition to temporarily waiving the education requirement for DSPs, DODD will temporarily permit agency providers and licensed facilities to employ qualified 16- and 17-year-olds as direct support assistants.

Agencies and licensed facilities must meet the following conditions when employing a 16- or 17-year-old as a direct support assistant:

- Direct support assistants shall only work when another employee, who is at least eighteen years of age and meets the requirements of Ohio Adm. Code 5123-2-08 or Ohio Adm. Code 5123:2-3-01, is physically present at the service location.
- Direct support assistants shall undergo a background investigation for employment in accordance with O.A.C. 5123-2-02.

- Direct support assistants shall not provide intimate personal care such as dressing, showering, bathing, toileting, or changing undergarments.
- Direct support assistants shall not transport individuals in a vehicle.
- Direct support assistants shall not administer medication or perform health-related activities.
- Direct support assistants shall not perform any care or task expressly forbidden by the individual.
- The agency/licensed facility must obtain consent for services to be provided by a direct support assistant.
- Direct support assistants must meet the training requirements found in O.A.C. 5123-2-08 Appendix C or O.A.C. 5123:2-3-01 (F) (1) (e-g).

In addition to the conditions above, agency providers and licensed facilities must establish procedures to ensure unexpected circumstances, such as DSP absences, are addressed in a manner that ensures direct support assistants are not working alone without other qualified staff present.

Please contact DODD at [OSSAS@dodd.ohio.gov](mailto:OSSAS@dodd.ohio.gov) with questions.