Agency Provider Compliance Review Tool - Personnel

| **SECTION** | **SUB SECTION** | **Question #** | **Question** | **Guidance/Additional Information** |
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| CORE | Personnel | 7.001 | Is the CEO listed in PSM and approved by DODD Certification?5123:2-2-01 | * Have the name of the CEO listed in PSM before going onsite
* Changes of CEO must be submitted and approved via PSM
* Notify DODD Review Manager
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| CORE | Personnel | 7.002 | Is the agency CEO or DODD approved designee directly and actively involved in the day to day operations and oversight of service provision? 5123:2-2-01 (D)(2) | * The provider agency shall report in writing to the department within fourteen days when the CEO designates another person to be responsible for the administration of the agency provider.
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| LIC FAC | Personnel | 7.003 | Does the facility have an Administrator directly involved in the day to day operations and the oversight of service provision?5123:2-3-01 | **LICENSED FACILITY ONLY*** Verify through interview the frequency of administrator presence in the facility.
* Verify through interview and documentation the process by which the administrator is overseeing provision of services.
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| DAY SERV | Personnel | 7.004 | Did the provider of adult day support or vocational habilitation notify the department within fourteen calendar days when there was a change in the physical address (i.e., adding a new location or closing an existing location) of any facility where adult day or vocational habilitation support takes place.5123:2-9-14; 5123:2-9-17 | * Check PSM for a listing of all locations
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| CORE | Personnel | 7.005 | Has the provider agency established an internal compliance program that ensures compliance with (1) provider certification, (2) background checks, (3) service delivery, service documentation and billing?5123:2-2-01; 5123:2-3-01 | * Does the provider have an assigned internal compliance manager or committee?
* Does the provider have policies as required in rule and for certification requirements, background checks and service delivery, documentation and billing?
* Do the outcomes of this review indicate that the provider’s internal compliance program is working?
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| CORE | Personnel | 7.006 | Did the provider complete the following initial database checks for applicants for direct service positions prior to employment?* Inspector General’s Exclusion List
* Sex Offender and Child Victim Offenders Database
* U.S. General Services Administration System for Award Management Database
* Database of Incarcerated and Supervised Offenders
* Abuser Registry
* Nurse Aide Registry
* Ohio Dept of Medicaid Exclusion and Suspension List

5123-2-02; 5123:2-3-01 | * **Prior to employment means on or before the date the employee is in paid status**
* Mark as non-compliant if initial checks were:
	+ not completed at all
	+ completed late
* Applies to employees hired after 1/1/13
* Ohio Dept of Medicaid Exclusion & Suspension list required for those hired after 7/1/19
* The Nurse Aide Registry and Database of Incarcerated/ Supervised Offenders may not be automatically disqualifying
	+ Persons on the other 5 databases cannot be employed to provide direct services
* Database checks must be run ONLY using Name/Date of Birth/SSN information
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| CORE | Personnel | 7.007 | Did the provider complete the following database checks every five years for employees? * Inspector General’s Exclusion List
* Sex Offender and Child Victim Offenders Database
* U.S. General Services Administration System for Award Management Database
* Database of Incarcerated and Supervised Offenders
* Abuser Registry
* Nurse Aide Registry
* Ohio Dept of Medicaid Exclusion and Suspension List

5123-2-02; 5123:2-3-01 | * Mark as non-compliant if 5-year checks were:
* not completed at all
* completed late
* If employees are verified as enrolled in ARCS, the 5-year recheck is not required.
* Database checks must be run ONLY using Name/Date of Birth/SSN information
* 5-year checks must be run within 5 years from the date of the previous check, not 5 calendar years
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| CORE | Personnel | 7.008 | Did the provider request that the Bureau of Criminal Identification conduct a criminal record check (BCII/FBI) prior to employing an applicant for a direct service position?5123-2-02; 5160-45-07; 5123:2-3-01; ORC109.572 | * **Prior to employment means on or before the date the employee is in paid status**
* **Those with an “In lieu of” conviction prior to 7/1/19 are grandfathered and able to work**
* **Those with an “active” in lieu of conviction for a disqualifying offense hired after 7/1/19 cannot provide direct services**
* Mark as non-compliant if initial checks were:
* not completed at all
* completed using the incorrect reason code/title
* completed late
* Reports from BCII/FBI are valid for one year
* Reference BCII Reason Code document for a list of acceptable reason codes.
* If the applicant has not been an Ohio resident for the 5 years previous to hire, the agency shall request that the BCII additionally obtain information from the FBI as part of the criminal records check.
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| CORE | Personnel | 7.009 | Did the provider request the BCII/FBI check every 5 years for direct service employees who?* are not enrolled in Rapback
* require FBI check

 5123-2-02; 5160-45-07; 5123:2-3-01; ORC109.572 | * **Those with an “In lieu of” conviction prior to 7/1/19 are grandfathered and able to work**
* **Those with an “active” in lieu of conviction for a disqualifying offense hired after 7/1/19 cannot provide direct services**
* Mark as non-compliant if the 5-year checks were:
	+ not completed at all
	+ completed using the incorrect reason code/title
	+ completed late
* 5-year checks must be run 5 years after the date of initial check, not 5 calendar years.
* Reference BCII Reason Code document for a list of acceptable reason codes
* Rapback does NOT include the FBI check
* FBI check required if employee has not been an Ohio resident for the 5 previous years
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| CORE | Personnel | 7.010 | Are SSAs or staff in direct service positions enrolled in Rapback? 5123:2-2-01, 5123:2-3-01; 5123-2-02 | * If an employee is not able to get a BCII check via fingerprints they cannot be enrolled in Rapback, and the provider agency must continue to complete the 5-year BCII/FBI separately.
* Staff hired prior to October 1, 2016 must be enrolled in Rapback at the point of their next five-year BCII.
* Employees are to be enrolled within 14 calendar days of receiving the criminal records check or within 14 calendar days of hire; whichever is later.
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| CORE | Personnel | 7.011 | Did the provider ensure that staff did not provide direct services for more than 60 days after employment without the results of the BCII/FBI records checks? 5123-2-02; 5160-45-07  | * Employees cannot provide direct services after 60 days
 |
| CORE | Personnel | 7.012 | Did the provider ensure that direct services are only provided by employees who do not have a disqualifying offense and who are not included on any of the databases identified in rule?5123-2-02; 5160-45-07; 5123:2-3-01 | * **Those with an “In lieu of” conviction prior to 7/1/19 are grandfathered and able to work**
* **Those with an “active” in lieu of conviction for a disqualifying offense hired after 7/1/19 cannot provide direct services**
* Exclusionary periods do not start until employee is fully discharged from imprisonment, probation, and parole.
* Multiple disqualifying convictions have longer exclusionary periods. Refer to 5123-2-02 E(2) for info
* Only issue citation if a direct support staff with a disqualifying offense or on a registry is currently employed and working with individuals.
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| CORE | Personnel | 7.013 | Did the provider staff, prior to employment, sign a statement:1. attesting that the staff person will notify the provider within 14 days if charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense and 2. attesting that the staff person has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense5123-2-02; 5160-45-07; 5123:2-3-01 | * Sample attestation form is available on DODD’s website under Forms
* Attestation statements not required to include in lieu of convictions for those hired prior to 7/1/19
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| CORE | Personnel | 7.014 | Did the agency provider verify that the staff person has a high school diploma, GED or a rule waiver from the department?5123:2-2-01; 5123:2-3-01 | * Review with provider their system to verify a high school diploma or GED.
* Staff enrolled in college are considered to meet this requirement.
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| CORE | Personnel | 7.015 | Does the professional staff have required licenses/certifications?5123:2-6-04; 5123:2-6-06; 5123-9-25; 5123:2-9-28; 5123-9-29; 5123:2-9-36; 5123:2-9-38; 5123-9-41; 5123-9-43; 5123-9-46; 5123:2-9-39; 5123:2-3-01; 5123-9-13; 5123:2-9-37; 5123:2-9-20; 5123:2-9-37; 5123-9-12 | * Includes nursing licenses, social work licenses, OT/PT licenses, etc.
	+ Nursing: an expired nursing license will be an immediate citation; the CB and Nursing Board should be advised.
	+ Reviewer should contact manager
* Career Planning
* Assistive Technology
* See service rules for specifics
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| CORE | Personnel | 7.016 | Does provider staff have: * Current CPR certification and
* Current first aid certification?

5123:2-2-01; 5123:2-3-01 | * Certification requires in-person skills assessment (online training must be supplemented with skills assessment).
* **Non-licensed waiver staff-** required prior to working with individuals
* **For licensed facilities-** required within 60 days of hire; staff without certification cannot work alone.
* N/A for money management provider
* N/A SELF Support Brokers
* N/A Remote Monitoring who don’t provide direct support backup
* Check service rules for participant directed services
* Current nursing license is acceptable to meet the First Aid requirement (not CPR)
* Current EMT certification acceptable for First Aid and CPR
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| CORE | Personnel | 7.017\* | If the provider/staff person is responsible for the following, do they have the appropriate certification for:* Oral or topical medications (Category 1)
* Health related activities (Category 1)
* G-tube/J-tube (Category 2)
* Insulin injections (Category 3)Family delegation is not permitted for agency providers.

5123:2-6-03; 5123:2-3-01 | * **Certification must be verified using MAIS.**
* Medication administration certification is not required when Family Delegation is identified in the ISP
* Family Delegation cannot be used with agency staff except when the agency employee is a family member and lives with the individual
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| CORE | Personnel | 7.018 | Does the provider/direct care staff without med admin certification have training to perform the following tasks/use the following devices:* Vagus nerve stimulator
* Epinephrine auto-injector
* Administration of topical over-the counter medication for the purpose of cleaning, protecting, or comforting the skin, hair, nails, teeth, or oral surfaces.

5123:2-6-05 | * The tasks can be performed by trained staff that do not have medication administration certification.
* Staff must complete training prior to using the device or administering the topical OTC medication
* Training must be provided by the licensed nurse or DD personnel with health-related activities and prescribed medication administration certification
* Training must be the department approved curriculum
* Training must include individual specific information
* These tasks can be family delegated
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| Core | Personnel | 7.019 | For provider staff members who are responsible for transporting individuals, did the provider ensure that a driver’s abstract was completed prior to transporting individuals?5123-2-02; 5123:2-9-18; 5123-9-24 | * Abstract is required for all staff who transport individuals, even if transportation service is not billed
* Unofficial abstract from BMV is acceptable
* Driver is ineligible to drive if they have six points or more on their abstract
* Abstract should come from the state where the employee lives
* Required to be completed no more than 14 days prior to initial transportation of individuals
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| TRANSP | Personnel | 7.020 | Did staff providing transportation obtain a new driver's abstract every 3 years? 5123:2-9-18; 5123-9-24 | * Within 3 years of date initial abstract was completed, not 3 calendar years.
* Unofficial abstract from BMV is acceptable
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| TRANSP | Personnel | 7.021 | For provider staff members who are responsible for transporting individuals, does the staff person have a valid driver's license? 5123:2-9-18; 5123-9-24 |  |
| Core | Personnel | 7.022 | Did the provider ensure that only staff with 5 or fewer points on their driver's abstract transport individuals?5123-2-02 | * This includes driving individuals even when transportation is not billed.
* Staff with 6 or more points cannot transport persons receiving waiver services.
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| TRANSP | Personnel | 7.023 | Are all vehicles used to transport individuals covered by a current insurance policy?5123:2-9-18; 5123-9-24 | * Ohio law requires liability insurance on all vehicles
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| TRANSP | Personnel | 7.024 | If the provider is responsible for providing Per Trip Non-Medical Transportation, does the staff person have a signed form establishing the driver's physical qualification to provide non-medical transportation?5123:2-9-18 | * This form must be completed and signed by a person who is licensed, certified, and/or registered in accordance with Ohio law to perform physical examinations.
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| TRANSP | Personnel | 7.025 | If the provider is responsible for providing Non-Medical Transportation, did the staff person receive testing for controlled substances and was the staff person found to be drug free prior to providing transportation services?5123:2-9-18 | * Per trip and per mile Non-Medical Transportation
* Drug testing must be from a lab, cannot be self-administered.
* Reviewer must see the results of the testing, not just receipts.
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| CORE | Personnel | 7.026 | Did the staff person receive initial training prior to providing services that included: (i) Overview of serving individuals with developmental disabilities including implementation of ISP (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 (iv) Initial rights training (v) Initial MUI training including the health and welfare alerts issued by the department.5123:2-2-01; 5123:2-3-01  | * Effective 10/1/15 for new hires
* Some services are exempted from portions of the initial training. See service rules.
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| CORE | Personnel | 7.027 | Prior to providing services to an individual, did the direct care staff person receive training specific to each individual he/she supports that includes:(i) on what is important to and important for the individual (ii) the individual's support needs including, as applicable, behavioral support strategy, management of the individual’s funds, and medication administration/delegated nursing5123:2-2-01; 5123:2-3-01 | Look for this requirement to be met when:* There is a new staff person
* Prior to working with new individuals
* When there is a significant change in support needs
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| CORE | Personnel | 7.028 | Did the supervisory staff for direct services positions complete the following training within 90 days of becoming a supervisor? Service documentation; billing for services, management of individuals' funds5123:2-2-01; 5123:2-3-01 | * New supervisory staff hired after 10/1/16
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| LIC FAC | Personnel | 7.029 | Did all direct service staff have initial training on actions to take in the event of a fire or other emergencies? 5123:2-3-01 | * Must be completed within 30 days
* Staff who have not completed this training cannot work alone.
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| CORE | Personnel | 7.030 | Did the provider staff have annual training on the following:* MUI/UI requirements and health and welfare alerts from the previous year
* Rights of Individuals with DD
* Person-centered planning, community integration, self-determination, and self-advocacy

5123:17-02; 5123:2-2-01; 5123:2-3-01 | * Once during each calendar year
* Not required to be within 365 days
* Required for CEO and/or Administrators annually
* Agency board members must have training on MUI reporting requirements
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| CORE | Personnel | 7.031 | Did the provider staff have annual notification explaining conduct for which a DD employee may be included on the Abuser Registry?5123:2-2-01 | * Annual Abuser Registry Notice can be found on DODD’s website under Health & Welfare/Tool Kit/Abuser Registry
* A staff signature is not required.
* Agency must have a process to implement.
* Required once annually during calendar year, not every 365 days.
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| DAY SERV | Personnel | 7.032 | For day waiver services, did the provider ensure that within the **first 90 days of employment**, direct services staff completed an orientation program that addresses:* Agency organizational background
* Components of quality care for individuals served
* Health and safety
* Positive behavior support
* Services that comprise the specific waiver service

5123-9-13; 5123:2-9-14; 5123:2-9-15; 5123:2-9-16; 5123:2-9-17 | **Career Planning Service:** * **Excludes** Career Planning components of benefits education and analysis and worksite accessibility
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| DAY SERV | Personnel | 7.033 | For day waiver services, did the provider ensure that **during the first year of employment** direct service staff were provided with:* A mentor
* Training specific to the day waiver service

5123-9-13; 5123:2-9-14; 5123:2-9-15; 5123:2-9-16; 5123:2-9-17 | * **Excludes** staff who at the time of hire, had one year of experience providing the specific waiver service.
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| DAY SERV | Personnel | 7.034 | For day waiver services, did the provider ensure that all direct service staff annually completed training that includes:* Roles and responsibilities regarding services, including person centered planning, community integration, self-determination, and self-advocacy
* Rights
* MUI/UI
* Role in providing behavioral supports to individuals served
* Best practices related to the provision of the specific waiver service

5123-9-13; 5123:2-9-14; 5123:2-9-15; 5123:2-9-16; 5123:2-9-17 | * Once during each calendar year, starting in the second year
* Not required to be within 365 days
 |
| COUNTY BOARD | Personnel | 7.035 | Did Service and Support Administrators complete an orientation program within the **first 90 days of employment** that addresses:* Agency organizational background
* Components of quality care for individuals served
* Health and safety
* Positive behavior support
* Services that comprise the specific service and support administration.

5123:2-5-02 |  |
| COUNTY BOARD | Personnel | 7.036 | Did Service and Support Administrators complete, no later than one **year after hire**, training that includes:* Eligibility Determination
* Establishing Individual Budget
* Effective service coordination
* Management of Individual funds
* Self Determination

5123:2-5-02 | * Service and support administrators who have at least one year of experience as a service and support administrator, at the point of hire, are excluded from this training requirement.
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| COUNTY BOARD | Personnel | 7.037 | Has the county board employed or contracted with a Business Manager who is responsible for budgeting, financial reporting, preparing cost reports, and advancing informed and strategic decision-making by the county board?5123:5-08 |  |
| COUNTY BOARD | Personnel | 7.038 | Did the Service and Support Administrator successfully complete DODD provided web-based training in:* Developing person-centered individual service plans
* Coordinating services
* Enhancing team effectiveness
* Understanding Medicaid
* Targeted case management
* Employment navigation

5123:2-5-02 | * New SSAs must have within one year of hire date. Existing SSAs must complete prior to recertification process.
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| LIC FAC | Personnel | 7.039 | Did the Administrator have annual training in facility roles and responsibilities, including* Person Centered Planning
* Community Participation and Integration
* Self-determination
* Self-advocacy
* Individual Rights
* MUI, including review of health and welfare alerts

5123:2-3-01 |  |
| CORE | Personnel | 7.040 | Did the **Money Management** provider complete 8 hours of training annually on topics that enhance his or her skills and competencies relevant to providing money management.5123:2-9-20 | * MUI/UI and Rights is included in the 8 hours.
 |