MEMORANDUM

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| TO: | Ann Weisent |
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| FROM: | Anita Allen |
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| DATE: | June 15, 2017 |
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| RE: | Comments to Changes to ODODD Compliance Tool for Agency and ICF Providers |
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| We reviewed the proposed changes to the Department’s Agency and ICF-IID review tools set to go into effect on July 1, 2017. Please see our comments and questions below. | | |
| **Agency Review Tool** | | |

1. Many of the new sections of the Compliance Tool relate to tasks and obligations of County Boards, rather than providers. If, when looking at certain documents, such as the ISPs, if the ISP is out of compliance, will the provider be cited or will the County Board? How will these requirements be dealt with by the Department? Please see Sections 4.017, 4.018, 5.004 regarding personal funds in the ISP, 7.013, 7.020, 12.003, and all of the Section 13 requirements.
2. In Section 3.006, there is a requirement that day services must have delegated nursing. Is this the provider’s responsibility if the provider is not the day service provider? The tool was not clear.
3. In Section 5.011, the tool states that the provider cannot supplement funds or replace personal funds of another. We understand that this is the general rule. However, the tool does not explain that there is an exception which allows the provider to supplement funds or replace personal funds of another in situations where practical and in writing as described in 5123:2-2-07(K)(1)(d).
4. In Section 9.039, there is a requirement that the provider agency have an internal compliance program and there is a reference to the “My Learning” program on the ODODD web page. We are not aware of this compliance program requirement in the law and request further clarification.
5. In Section 18.016, there is a requirement for County Boards to monitor contracts. Please clarify the meaning behind this requirement. We assume this is for non-Medicaid only contracts, but request clarification regarding same.

**ICF-IID Review Tool**

1. Several of the Sections do not include the authority for such citations. For example, legal citations are missing from Sections 1.007, 2.024, 2.028, 3.006, 3.010, 3.011, and 4.011. The Department needs to specify the legal requirement for each citation.
2. In Section 2.028, the guidance notes that new administrator orientation training can be found on DODD’s website. We ask that the Department specify where such training can be found on DODD’s website to avoid potential confusion.
3. In Section 4.003, there are four places/paths to community employment listed. The cited authority for this requirement, Ohio Admin. Code 5123:2-3-03, does not discuss these paths/places, so we could like further clarification on this guidance.