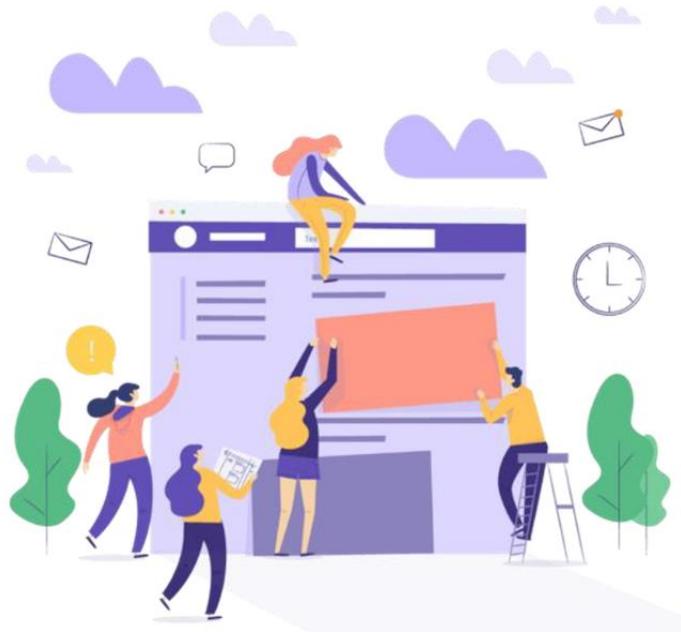


# Provider Rule Update



Stakeholder Feedback	OOD Response
<p>Would OOD consider <b>provisional staff hiring</b> with staff attestations after they have completed the initial online registry checks? Providers noted that this would retain a level of safeguards and allow them to readily hire and engage new staff without delays.</p>	<p>OOD has considered this request, spoken with providers regarding their hiring processes, further reviewed comparable State of Ohio administrative rules, and reviewed examples of provider staff new hire attestations. <b>OOD updated draft rule language to allow for provisional staff hiring</b> after initial online data bases have been checked, and with a staff attestation on file for up to 60 days.</p>
<p>Is OOD requiring each individual provider staff hire to be approved by OOD? Do provider agencies need to send all background check paperwork to OOD? Providers stated they understood the need for <b>background checks</b> and consistency but did not want to create layers of administrative burden in the process.</p>	<p><b>OOD is not proposing that providers submit initial hire paperwork or background checks at the front end to OOD, nor consult for each individual hire.</b> Providers will follow the rule’s process and exclusions, maintain all records internally, and OOD will periodically monitor provider compliance with these requirements.</p>
<p>Are the use of <b>electronic background monitoring</b> systems allowed? Would a subsequent 5-year background check be required if an electronic background monitoring system, such as Rapback, has been in place?</p>	<p><b>Yes, the use of electronic background monitoring systems is allowed,</b> as noted in the draft rule language. The proposed language has been further clarified to note that subsequent 5-year background checks are not required if electronic background monitoring systems have been in place since the initial background check has taken place. Rapback has also been added as a specific example of an allowable system.</p>

<p>Does the <b>“Provider Applicant”</b> term relate to new provider staff applicants?</p>	<p>The “Provider Applicant” section of the rule (Section I.1.) relates to provider agencies seeking to work with OOD as new VR providers and does not speak to current approved providers’ applicants or hires. The rule language has been updated for clarification.</p>
<p>Does the term <b>“Provider Staff”</b> relate to all provider staff within the organization? Would all provider staff be required to have background checks and follow this rule, even if they are not providing direct services?</p>	<p>The term “Provider Staff” relates only to provider staff delivering VR Fee Schedule and addendum services. The draft rule language has been updated for clarification.</p>
<p>Many OOD providers support individuals with <b>mental health diagnoses and/or in AOD recovery</b>. Would OOD consider allowing provider staff with lived experience such as peer mentors and others in recovery to deliver services to OOD’s participants?</p>	<p>OOD has had robust and meaningful conversations with several mental health providers, provider organizations, and the Ohio Department of Mental Health and Addiction Services in this area. OOD is proposing additional rule language to allow for the following credentials to be recognized and allowable for serving OOD participants:</p> <ul style="list-style-type: none"> <li>• <b>Certificate of Qualification for Employment (CQE)</b></li> <li>• <b>Certificate of Achievement (COA)</b> and employability in a home and community-based services-related field, issued by the Ohio Department of Rehabilitation and Correction</li> <li>• <b>Certified Peer Recovery Supporters</b> as defined by OAC 5122-29-15</li> </ul>
<p>Would the rule update regarding background checks apply to current provider staff? Would there be any kind of <b>“grandfathering”</b> process, such as a Director’s exemption or OOD exception review committee?</p>	<p>The rule update, including background checks and relevant exclusions, would apply to any current and future staff seeking to deliver OOD VR Fee Schedule and addendum services. OOD considered various exemptions, grandfathering, and review committees for current provider staff not meeting the rule standards. The proposed allowances for the CQE, COA, and the Certified Peer Recovery Supports (as noted above) offer multiple pathways for individuals with previous lived experience and/or some criminal offenses to provide services where appropriate while still having specific guidelines ensuring public health and safety.</p>
<p>With the cost of background checks, will OOD be raising service rates?</p>	<p>OOD has overwhelmingly heard from providers that conducting background checks on new hires is already a part of their hiring process to ensure safety and/or as a requirement of other funding sources which require background checks and have established exclusions. The current VR Fee Schedule rates incorporate administrative and agency overhead costs</p>

	Also, the provider rule that is being updated does not include the VR Fee Schedule addendum and rates, which will be examined in the near future in separate discussions.
What is the intent of the training requirements noted in the rule update language? If there are costs to these trainings, that should be a consideration as a cost to providers.	Comparable State of Ohio agency rules include language regarding limited provider staff training, such as onboarding training or required annual trainings. The language in the draft rule notes that training would be limited to specific services (e.g., Pre-ETS, Summer Youth, Supported Employment Job Development), health and safety, implementation of new systems (e.g., VR Fee Schedule updates, Vendor Portal Payment process), or as part of provider support and remedies. For clarification, the rule language has been updated to note that these limited trainings would be OOD provided trainings.
How do these proposed rule updates relate to <b>CARF accredited providers</b> ? Would OOD consider waiving CARF requirements with these rule updates?	<b>The rule updates were developed to complement CARF and other accrediting body requirements.</b> For example, CARF requires its providers to follow their funding source’s background check requirements and exclusions. It should be noted that CARF is only one of several credentials that would qualify a provider to deliver OOD services, OOD is not considering waiving this credential as a qualifying credential.
Is subcontracting necessary given the many ways to qualify as an OOD provider? Does subcontracting detract from the quality of services provided?	OOD has historically allowed for provider subcontracting for the purpose of working toward and obtaining permanent accreditation or certification (e.g. CARF, etc.) while under the supervision and guidance of an accredited approved provider. Subcontracting is not intended as a long-term option for delivering services.
Would OOD consider removing the Provider Staff requirement that individuals serving OOD participants must be at least 18 years old with a high school diploma, high school equivalence diploma, or the equivalent?	OOD has received overwhelming feedback from providers about the importance of aligning standards across state agencies when possible. This requirement is aligned with the requirements of DODD.
Would OOD consider aligning staff providing participant <b>transportation</b> requirements closer to DODD standards, which allow for individuals 18 and older to transport participants? A required age of 21 may exclude qualified provider staff who deliver services such as Summer Youth Work Experiences from providing transportation, causing some programmatic challenges.	OOD has updated the draft language in this area to more closely align with DODD standards, including <b>allowing individuals 18 or over with 2 years of driving experience to provide participant transportation.</b>

\*Note: Stakeholder feedback condensed and streamlined for clarity