

# Qualifications and Standards for Service Providers and Vendors

[A-H. Current rule with subsections regarding Provider and Service qualifications, etc.]

## I. Provider Applicants and Approved Provider Status

1. Provider Applicants seeking to deliver any of the services listed in the VR Fee Schedule shall submit an application and supporting documentation through the Provider Management Program (PMP). [The term "Provider Applicant" within this rule relates to new provider agencies and does not apply to current Approved Providers' individual staff or individual applicant\(s\).](#)
  - a. Provider Applicants shall be required to participate in an initial orientation prior to their application being approved in the PMP.
  - b. Provider Applicants shall disclose any lapses, revocation, or suspensions of any individual staff or agency licenses, accreditations, or certifications within the previous five (5) years of the date of their application.
    - 1) Failure to provide complete and accurate information shall result in the immediate termination of the provider's approved status.
  - c. Provider applicants must have an authorized representative complete a Provider Acknowledgement before becoming an approved provider.
2. OOD shall review provider application materials to determine compliance with the requirements in sections A - C of this rule, as well as any other relevant agency or staff factors, performance, fiscal, or safety history that may relate to the provision of quality services for individuals with disabilities. OOD may request additional information as deemed necessary to ensure compliance with Sections A – C of this rule prior to approving a provider's application.
3. OOD has sole discretion to approve a provider's application and/or specific services, in whole or part.
4. Approved Providers
  - a. Approved Providers shall comply with OAC 3304-2-53 and the VR Provider Manual, and technical assistance provided by OOD.
    - 1) Approved Providers are not employees of OOD. Providers are independent agencies, with no guarantee of referrals for services regardless of current Provider status.
  - b. Providers shall not offer or provide services for which OOD has not approved the provider as meeting the minimum qualifications.
    - 1) OOD shall not purchase services from providers who do not meet the minimum qualifications for services as provided in this rule.
    - 2) Providers shall notify OOD in writing if they no longer meet the minimum requirements for the service, within five (5) business days of the event and shall not accept any new authorizations for the service.

- 3) OOD shall edit information in the PMP (such as counties of service coverage) which are not accurate or for the benefit of the system integrity.
5. Providers may be removed from the Provider Management Program (PMP) if they have not received and/or accepted an authorization for services within the previous two (2) Federal Fiscal Years.
  - a. Providers may submit a new application in PMP to request regaining their approved provider status.
6. OOD shall approve subcontracting relationships between accredited and non-accredited agencies. Independent contractors working for accredited agencies as employees shall not be required to be approved by OOD.
  - a. If a vocational rehabilitation service provider subcontracts any of its VR services through other providers, it must obtain certification, preliminary accreditation, or accreditation in all VR services in which it subcontracts unless a credentialing body identified in paragraph (A)(1) of this rule routinely surveys all services, including subcontracted services, in the course of the certification or accreditation process.
  - b. The approved provider is responsible for all services rendered by its subcontractor.
  - c. Subcontracting shall not exceed twelve (12) months, without the written approval of the OOD Director
7. OOD may periodically require approved providers to complete [OOD provided](#) training in relation to specific service delivery (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). [Training may be required as](#) part of provider support and remedies (see Section L).
8. Approved providers shall submit a completed Provider Acknowledgment to OOD by October 1 of each federal fiscal year. The Provider Acknowledgement may be submitted up to sixty (60) days prior to the due date of October 1.
  - a. Provider shall not offer or provide services in the new federal fiscal year until the Provider Acknowledgement is submitted to OOD.

#### J. Provider Staff Qualifications and Background Checks

1. The term Provider Staff shall be used to include current, and potential new employees, including owners, and independent contractors, [who provide direct services under the Vocational Rehabilitation Fee Schedule and/or addendum services](#).
  - a. Unpaid interns and volunteers shall not be considered Provider Staff and shall not invoice for services provided to OOD Participants.
  - b. Provider staff shall be at least eighteen (18) years of age; and hold a high school diploma or high school equivalence diploma, or the equivalent.
2. Providers shall perform background checks for Provider Staff which shall include a check of the following databases:
  - a) System for Award Management
  - b) Office of the Inspector General
  - c) Ohio Department of Developmental Disabilities Online Abuser Registry
  - d) Ohio Medicaid Provider Exclusion and Suspension List

- e) Ohio Attorney General Sex Offender Search
  - f) Ohio Department of Rehabilitation and Correction Offender Search
  - g) Ohio Department of Health Nurse Aide Registry
3. Provider Staff who are listed in any of the databases with a corresponding offense are prohibited from [serving OOD participants](#).
  4. The Provider shall also conduct an FBI/BCI criminal record check, [which provides information on the provider staff or applicant's criminal history](#). This background check may occur concurrently or after the Provider Staff successfully completes the requirements listed in paragraphs (a)-(g) of [section J\(2\)](#).
    - a. Provider Staff shown with a corresponding offense shall reference the below exclusions to determine if they can serve OOD participants.
  5. [Approved Providers may conditionally hire Provider Staff for up to sixty \(60\) days while pending receipt of the Provider Staff's criminal records results if all of the following occurs:](#)
    - a. [Provider Staff does not have an offense listed in any of the required databases as noted above in sections 2.a. – 2.g;](#)
    - b. [Provider Staff signs an agency attestation asserting they have no unreported criminal convictions or pending criminal charges; and](#)
    - c. [Provider Staff who have been hired provisionally cannot serve OOD Participants beyond sixty \(60\) days, and must immediately cease providing services to OOD Participants if the Provider Staff criminal records check lists a disqualifying offense.](#)
  6. Provider Applicants are required to submit background checks for all initial owners, management, and Provider Staff as part of their PMP application.
  7. All Provider Applicants are required to maintain written/electronic background checks for all Provider Staff, working with OOD participants.
    - a. Providers shall provide a written/electronic verification of background checks to OOD within twenty-four (24) hours' notice, if requested.
  8. Providers may use electronic background check monitoring systems, such as SafeGuard, Hire Right, Backgroundchecks.com, or Rapback.
  9. [Approved Providers shall perform background checks on all current Provider Staff every 5 years and maintain written/electronic verification on file.](#)
    - a. [Providers using electronic background check monitoring systems as noted in item 8 above are not required to perform subsequent background checks every five \(5\) years but must have on file and be able to produce on request \(within 24 hours\) documentation of continuous use of said background check monitoring systems.](#)
  10. Background Check exclusions for Criminal Background offenses
    - a. Provider staff who have criminal offenses are prohibited from providing OOD services if the offense is found in Tiers I-IV.
    - b. Exclusions for Provider Staff
      1. Tier I: Permanent Exclusion - Provider shall not employ an applicant or continue to employ an employee, if the applicant or employee has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following: [aggravated murder, murder, voluntary manslaughter, felonious assault, permitting child abuse, failing to provide for a functionally impaired person, patient abuse and neglect, patient endangerment, kidnapping, abduction, human trafficking,

unlawful conduct with respect to documents, rape, sexual battery, unlawful sexual conduct with a minor/formerly corruption of a minor, gross sexual imposition, importuning, voyeurism, felonious sexual penetration, disseminating matter harmful to juveniles, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of minor in nudity-oriented material or performance, soliciting/providing support for act of terrorism, making terrorist threats, terrorism, Medicaid fraud, conspiracy, attempt, or complicity when the underlying offense is any of the offenses or violations listed in Tier I, a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in Tier I]

2. Tier II: Ten Year Exclusion - Provider shall not employ an applicant or continue to employ an employee for a period of ten (10) years from the date the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following: [involuntary manslaughter, reckless homicide, child stealing {as it existed prior to July 1, 1996}, criminal child enticement, extortion, compelling prostitution, promoting prostitution, enticement or solicitation to patronize a prostitute, procurement of a prostitute for another, aggravated arson, arson, aggravated robbery, aggravated burglary, illegal use of supplemental nutrition assistance program or women, infants, and children program benefits, worker's compensation fraud, identity fraud, aggravated riot, carrying concealed weapon, illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone, illegal conveyance, possession, or control of a deadly weapon or ordnance into a courthouse, having weapons while under disability, improperly discharging a firearm at or into a habitation or school, discharge of firearm on or near prohibited premises, improperly furnishing firearms to minor, engaging in pattern of corrupt activity, participating in criminal gang, corrupting another drugs, trafficking in drugs, illegal manufacture of drugs or cultivation of marijuana, illegal assembly or possession of chemicals for the manufacture of drugs, placing harmful objects in food or confection, conspiracy, attempt, or complicity when the underlying offense is any of the offenses or violations listed in Tier II, a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in Tier II]
3. Tier III: Seven Year Exclusion - Provider shall not employ an applicant or continue to employ an employee for a period of seven (7) years from the date the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:[cruelty to animals, prohibitions concerning companion animals, aggravated assault, aggravated menacing,

menacing by stalking, coercion, disrupting public service, robbery, burglary, insurance fraud, inciting to violence, riot, inducing panic, endangering children, domestic violence, intimidation, perjury, falsification, falsification in theft offense, falsification to purchase firearm, or falsification to obtain a concealed handgun license, escape, aiding escape or resistance to lawful authority, illegal conveyance of weapons, drugs or other prohibited items onto grounds of detention facility or institution, funding of drug or marijuana trafficking, illegal administration or distribution of anabolic steroids, tampering with drugs, ethnic intimidation, conspiracy, attempt, or complicity when the underlying offense is any of the offenses or violations listed in Tier III, a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in Tier III]

4. Tier IV: Five Year Exclusion - Provider shall not employ an applicant or continue to employ an employee for a period of five (5) years from the date the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following: [assault, menacing, public indecency, soliciting after positive human immunodeficiency virus test, prostitution, deception to obtain matter harmful to juveniles, breaking and entering, theft, unauthorized use of a vehicle, unauthorized use of property, computer, cable, or telecommunication property, telecommunications fraud, passing bad checks, misuse of credit cards, forgery, forging identification cards, criminal stimulation, defrauding a rental agency or hostelry, tampering with records, securing writings by deception, personating an officer, unlawful display of law enforcement emblem, defrauding creditors, receiving stolen property, unlawful abortion, unlawful abortion upon minor, unlawful distribution of an abortion-inducing drug, interference with custody, contributing to unruliness of delinquency of child, tampering with evidence, compounding a crime, disclosure of confidential information, obstructing justice, assaulting/harassing police dog or horse/service animal, impersonation of peace officer, illegal administration, dispensing, distribution, manufacture, possession, selling, or using any dangerous veterinary drug, drug possession other than a minor drug possession offense, permitting drug abuse, deception to obtain dangerous drugs, illegal processing of drug documents, illegal dispensing of drug samples, unlawful purchase of pseudoephedrine product, conspiracy, attempt, or complicity when the underlying offense is any of the offenses or violations listed in Tier IV, a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in Tier IV ]
5. Tier V: no exclusion [Provider staff are not prohibited from providing OOD services if the provider staff employee or applicant has been convicted or pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:]
  - a. drug possession that is a minor drug possession offense

- b. illegal use or possession of drug paraphernalia
  - c. illegal use or possession of marijuana drug paraphernalia
  - d. a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in Tier V.
- c. Governor's pardon or court order expungement is allowable and Provider staff may allow provider applicant or employee to provide OOD services.
  - d. OOD will allow Provider staff who hold a current Certificate of Qualification for Employment (CQE) issued by a court of common pleas with competent jurisdiction pursuant to section 2953.25 of the Revised Code with the exception of Provider Staff who have an offense listed in Tier 1 of section J.10.b.1.
  - e. OOD will allow Provider staff who hold a current Certificate of Achievement (COA) and employability in a home and community-based services-related field, issued by the Ohio Department of Rehabilitation and Correction pursuant to section 2961.22 of Revised Code, except for Provider Staff who have an offense listed in Tier 1 of section J.10.b.1.
  - f. OOD will allow Provider staff who are current Certified Peer Recovery Supporters as defined by 5122-29-15 of the Ohio Administrative Code, may provide direct services to Individuals who are over eighteen (18) years of age who have a mental health and/or substance abuse disorder diagnosis, except for Provider Staff who have an offense listed in Tier 1 of section J.10.b.1.
11. Provider Staff transporting participants are subject to the above requirements in Section J, and must also meet the additional requirements below:
- a. Be at least eighteen (18) years of age and have two (2) years of driving experience
  - b. Shall hold a valid driver's license as specified by Ohio law
  - c. Is covered by valid liability insurance as specified by Ohio law
  - d. Have their Ohio BMV driving record reviewed by an Approved Provider. Provider Staff is prohibited from transporting OOD Participants if the Ohio BMV (or equivalent state BMV) report shows the following:
    - 1) Six (6) or more points on their driving record.
    - 2) Suspended or revoked driver's license.
  - e. Approved Providers shall maintain and be able to produce on request (within 24 hours) documentation of items a-d.
12. Providers not following the above standards for staff background checks and exclusions shall result in a remedy outlined in Provider Support & Management (see section L).

#### K. Ethics, Safety, and Protection of Confidential Personal Information

- 1. Provider Staff shall adhere to the ethical code of conduct for any licensure, certifications, or accreditation credential that the agency and/or individual may hold. Providers are responsible for the safety of individuals they are serving and must hold appropriate insurance for any safety issues which may occur. Insurance coverage must be a minimum of \$250,000.00 per occurrence.

2. Providers shall have policies and/or procedures concerning participant safety that includes at a minimum the handling of medical emergencies, EEO violations, sexual harassment, and appropriate professional boundaries.
  - a. Providers shall provide to OOD a copy of their policies and procedures that address participant health and safety within twenty-four (24) hours of being requested.
  - b. Providers must report and document all events which affect and/or pose a threat to the health and safety of individuals receiving services from OOD through the Significant Incident Report Form (SIRF). Providers shall follow the VR Provider Manual guidelines regarding timelines, contact, and reporting process.
3. Provider Staff shall protect confidential personal information (CPI) of all program participants it serves. CPI includes, but is not limited to: Individual's full name, address, Social Security Number, copies of identification, i.e., driver's license, disability/medical history, or any combination of information that could potentially identify a specific individual. Providers must develop and follow written policies and procedures to ensure that this information is kept in a secure and confidential manner. Providers must develop and follow policies and procedures in regard to the following areas:
  - Storage of information, in either paper or electronic format, when not in use, i.e., locked in a file cabinet/office, not left unattended, visible on a desk when not being used, etc.
  - Storage of information on electronic media, i.e., secure and encrypted on computers and other mobile devices such as phones; encrypted storage devices (jump drives).
  - Transportation and use of data outside of the office, i.e., store information in the trunk of the vehicle or non-visible from the outside, policies against leaving information in vehicles overnight, etc.
  - Restricting access to Individual's information, i.e., access must be for business related needs, Provider Staff should not be able to access records for family members/significant others, etc.
  - Electronic communications email or fax, to unintended recipients, i.e., information sent to the wrong fax number, emails containing Individual's information sent to the wrong individual, etc.
  - Other areas as identified and required by accrediting, certification, or State/Federal agencies, i.e., Commission on Accreditation of Rehabilitation Facilities (CARF), Academy for Certification of Rehabilitation & Education Professionals (ACVREP), or Department of Developmental Disabilities (DODD), etc.

On inquiry, providers must be able to provide their internal CPI controls, including use of confidential e-mail, staff policy, and staff training guidelines.

4. Any provider loss, misplacement, unauthorized sharing of, or other violation of CPI involving an individual receiving services from OOD must be reported to OOD within 24 hours of a provider becoming aware of the incident. Providers shall communicate any CPI violation to the program participant and shall offer the affected participant identity theft protection for at least one (1) year
5. Providers shall notify OOD when their accreditation, certification, or licensure has been revoked or suspended by an accrediting or certifying body or another State/Federal authority in writing to [PCMU@ood.ohio.gov](mailto:PCMU@ood.ohio.gov). This includes situations that do not involve individuals served by OOD.

OOD will review the information and may request additional information to determine the next step. OOD, at its discretion, may temporarily suspend referrals and/or authorizations until the issue is resolved. Failure to notify OOD of an issue shall result in suspension from the OOD-approved Provider list until the issue has been resolved.

6. Conflicts of Interest: A conflict of interest exists if the private interests of the provider or staff, interferes with the public interest in which the staff person is required to serve in the exercise of the Provider's authority and duties in the Provider's position of employment. Provider staff shall not provide a service to or access any case information for program participants with whom they may have a potential conflict of interest. Provider staff may not provide services to immediate family members (including in-laws and step-relatives). Individuals may receive services from Provider staff outside of their immediate family members or those that report directly to them. Providers must develop a procedure which outlines how to address potential conflicts of interest. If a Provider has questions regarding the appropriate service provision to any individuals, or any potential conflicts of interest, they must disclose and address this with OOD before providing services.
7. OOD retains discretion to prohibit delivery of services by specific provider staff members to OOD participants. OOD may consider previous service delivery and history, complaints, and allegations for the provider staff member – Requires further consideration/research.
8. Providers are required to submit authentic and accurate billing and reports which account for services, times, and costs. Providers may not sign on behalf of participants, nor duplicate (e.g., copy and paste) participant signatures. Providers must submit billings and reports through OOD's designated procedure outlined in the Vocational Rehabilitation Provider Manual. Providers shall use OOD's designated payment system and submission process.
9. Providers not following any of the above standards regarding ethics, safety, or proper protection of CPI may result in a remedy outlined in Provider Support & Management (see section L).

#### L. Provider Support & Management

1. Providers shall establish written internal quality control mechanisms to deliver quality services and ensure accurate reports and invoices.
2. OOD shall perform reviews of provider services, for various reasons including, but not limited to, specific service delivery issues, risk-based reviews, fiscal integrity, and routine program evaluation and monitoring. Reviews may include service quality, reporting accuracy, fiscal components, and other service dimensions.
3. Provider reviews may produce Observations or Findings. Observations are expected to be addressed to course correct minor and easily corrected errors. More pervasive, systemic, ongoing, or egregious Findings will result in a formal Corrective Action Plan (CAP) designed to correct identified Findings.
4. Providers shall be given the opportunity to respond to any provider review, Observation, or Finding, including submitting additional documentation, information, or responses. Providers may submit an initial objection in writing within ten (10) days of receiving a review, Observation, or Finding to note that they disagree and will provide a written rebuttal (further documentation, information, or response). If a Provider submits an objection, then the Provider shall submit



their rebuttal within thirty (30) days of receiving the review, Observation, or Finding. This process may result in a CAP with a required cure period.

5. As a response to fiscal, quality, or safety concerns, OOD may implement during investigations or as part of a CAP an Alternate Billing Process (such as a single point of contact for bills submitted together monthly), suspension of specific services with a nexus to the Observation or Finding, and/or suspension of all services, based on the protection and safety of individuals with disabilities, the history and pattern of concerns, and the severity or scope of concerns. OOD also reserves the right to suspend the use of any specific provider staff for services based on any noted concerns [i.e., a specific provider staff person cannot work with OOD participants].
6. Cost recovery may be invoiced as part of any fact-finding investigation or review and will take into account any additional provider response and supplemental documentation provided which may mitigate cost recovery amounts. Providers shall have 45 days to submit receipt of invoice (cost recovery) to OOD pursuant to Ohio Revised Code 131.02. If the amount owed to OOD is not paid within forty-five (45) days of receipt of the Notice of Invoiced Questioned Cost, the account shall be submitted to the Attorney General for collection pursuant to Ohio Revised Code 131.02.
7. When deficits are identified through reviews or other means, OOD shall implement the following sequence of intervention strategies:
  - Technical assistance
  - Corrective Action Plan
    - Corrective Action Plan may coincide with an Alternate Billing Process, suspension of referrals, and/or Cost Recovery
  - Suspension or revocation of approval status

OOD shall identify the appropriate intervention strategy for performance deficits. OOD will consider past performance history, the pervasiveness of the concern, the impact on participant safety and public health and fiscal implications as part of this assessment.

8. Failure to provide requested documentation and/or implement appropriate corrective actions during intervention strategies shall result in suspension of the provider's status until the documentation is provided and reviewed by OOD. Providers with repeated CAPs without resolving the deficits on an ongoing basis may result in the revocation of approval status.
9. Providers shall produce requested documentation or background information within five (5) business days or at a later date if agreed to in writing by OOD. Failure to provide requested documentation and/or information shall result in a suspension of the provider's status until the documentation is provided and reviewed.
10. Providers who do not comply with a CAP and/or do not successfully complete their CAP to OOD's satisfaction may result in the temporary or ongoing suspension of services, or suspension or revocation of Approved Provider status. OOD shall make its decision considering factors such as past performance history, the pervasiveness of the concern, and the impact on participant safety and public health.
11. OOD will provide and/or refer providers to resources and support such as ongoing training, archived mailings, technical guidance, etc. to help provide technical guidance and support to providers.