

COVID-19: What we know today

LCBDD “15 day rule” letter- seeking input from Providers

The Licking Co. Board of D.D currently sends a specific cover letter with ISPs in which not all Providers on the plan have signed off. (Sample attached.) It currently does not name the missing Providers. Excellence Network members recently said they would prefer the letter named the missing Providers. Their reason was that when they receive an ISP with this letter, they spend time going back to see if they were the ones who dropped the ball. They’d rather just be called out and not have to spend time figuring it out.

Please let David know if your agency would be comfortable with being named in this letter.

DODD takes actions to increase the number of eligible DSPs

- DODD will temporarily waive the requirement that DSPs have a high school diploma or GED. Employees without a high school diploma or GED cannot be certified to administer medications.
 - DODD is allowing the temporary use of direct support assistants. People aged 16 and 17 can be hired to perform more limited duties as direct support assistants. Direct support assistants cannot provide intimate personal care or administer medications and must always work with a DSP that meets all requirements in the rule.
- Both waivers are effective September 17, 2021 - September 30, 2022. Providers will be required to report information regarding DSPs employed under either of these options to determine long-term effectiveness. All service providers can begin using the provisions of these waivers, and all DSPs previously granted waivers for these purposes are automatically a part of this process as well. Additional info. is attached.

FREE Med. Admin classes offered by LCBDD

Medication Administration Classes are being offered at no cost to DODD certified providers and staff members at agencies who support people in Licking County!

Please use the links below to register for a class:

- Cert 1 Initial November 4 and 5 from 8:30a to 4:30p <https://reg.planetreg.com/E826550575554>
- Cert 1 Renewal October 1 from 9:30a to 12:30p <https://reg.planetreg.com/E82610122475874>

If you register for a class and cannot attend, please cancel so that we can open the registration to others. (There is a cost for each seat even if no one attends.)

FREE Child Care for eligible DSPs

Ohio’s Head Start agencies offer FREE, quality child care and early learning to children in low-income families. Head Start rules can allow employees to keep free child care for an extended period.

Basic eligibility is 100% of the Federal Poverty Level (FPL). Some current long-term services and supports staff members already meet that standard. An example would be a single head of household with two children earning \$14 per hour and working 30 hours per week. Many

people who are unemployed and interested in working but who need child care also would qualify under the FPL standard.

Families providing kinship or foster care or who have children with a disability may qualify automatically regardless of income.

Once a family is enrolled, they can continue to receive FREE child care until their child ages out of Early Head Start (for children from 6 weeks to age 3) or traditional Head Start (for children from age 3 to 5).

LEADS Head Start/Early Head Start in Licking Co: <http://leadscaa.org/services-we-provide/head-start/>

Agency Director of Operations Initial and Annual Trainings Courses Now Available

Per DODD's new agency provider certification rule ([OAC 5123-2-08 and Appendix A](#)) Directors of Operations (formerly called CEOs) must complete initial training and two hours of the annual training through DODD MyLearning. Below are the links to the initial and annual courses.

- [DOO Training for Initial Certification](#)
- [DOO Annual Training](#)

LICKING COUNTY
— *Board of* —
DEVELOPMENTAL DISABILITIES

(Today's Date)

(Recipient's Full Name)

(Recipient's Address)

(Recipient's City, State Zip)

re: (Individual's Name)

Dear Mr./Mrs./Miss (Recipient's last name),

Attached is a copy of your Individual Service Plan for (Span Dates) that was sent out for review on (Date sent for review). Included are all signature pages that have been received. Please be aware that not all providers have signed the plan at this point. In order to be in compliance with the Department of Developmental Disabilities rule, which states that service plans must be distributed at least 15 days prior to the span start date, I am sending this out now.

Please feel free to contact me with any questions or concerns you may have.

Sincerely,

(Service Coordinator's Name)

Service Coordinator

cc: e-file



Department of Developmental Disabilities

Mike DeWine, Governor
Jeff Davis, Director

Temporary Approval of Direct Support Assistants

Employers throughout Ohio are facing an unprecedented workforce crisis. Agency providers and residential facilities certified or licensed by the Ohio Department of Developmental Disabilities are no exception. Without intervention, the workforce crisis will jeopardize the health and safety of some of Ohio's most vulnerable individuals, those with developmental disabilities, who depend on services and supports from agency providers or licensed residential facilities. In response, the Department is testing solutions to determine their long-term effectiveness. The Department's goal is to supplement the workforce with talented individuals who may not meet the age requirement in rule but are otherwise well-qualified to provide services to individuals with developmental disabilities.

The agency provider certification rule, Ohio Adm. Code 5123-2-08, and the licensed residential facility rule, Ohio Adm. Code 5123:2-3-01, require that all direct support professionals be at least 18 years of age. However, the department can waive provisions of both rules for good cause. See Ohio Adm. Code 5123-2-08(T) and 5123-3-10(C).

For good cause shown, Ohio Adm. Code 5123-2-08(J)(1)(a) and Ohio Adm. Code 5123:2-3-01(F)(1)(a) are waived **effective September 17, 2021, through September 30, 2022**. Under this waiver, agency providers and licensed residential facilities can employ persons who are sixteen or seventeen years of age only to perform limited duties as direct support assistants. Direct support assistants shall:

- (1) Undergo a background investigation for employment in accordance with Ohio Adm. Code 5123-2-02.
- (2) Meet the training requirements for direct support professionals set forth in Appendix C of Ohio Adm. Code 5123-2-08 or Ohio Adm. Code 5123:2-3-01.
- (3) A person employed as a direct support assistant shall, at all times, work in the company of an employee of the agency provider who is at least eighteen years of age and:
 - (a) Meets the requirements set forth in Ohio Adm. Code 5123-2-08 or Ohio Adm. Code 5123:2-3-01; and

- (b) Is physically present at the location where services are being provided.
- (4) A person employed as a direct support assistant shall not, under any circumstances:
- (a) Provide intimate personal care such as dressing, showering, bathing, toileting, or changing undergarments;
 - (b) Operate a vehicle to transport an individual receiving services;
 - (c) Administer medication or perform health-related activities; or
 - (d) Provide any care or perform any task for an individual expressly forbidden by the individual (e.g., provide assistance with eating).
- (5) An agency provider shall not assign a direct support assistant to provide services to an individual who does not consent to having services provided by a direct support assistant.

The agency or licensed facility must continue to ensure individuals with developmental disabilities receive quality services provided by capable staff.

Rendered this 17th day of September 2021.



Jeff Davis, Director



Department of Developmental Disabilities

Mike DeWine, Governor
Jeff Davis, Director

Temporary Waiver of High School Diploma/ GED Requirements for Direct Support Professionals

Employers throughout Ohio are facing an unprecedented workforce crisis. Agency providers and residential facilities certified or licensed by the Ohio Department of Developmental Disabilities are no exception. Without intervention, the workforce crisis will jeopardize the health and safety of some of Ohio's most vulnerable individuals, those with developmental disabilities, who depend on services and supports from agency providers or licensed residential facilities. In response, the Department is testing solutions to determine their long-term effectiveness. The Department's goal is to supplement the workforce with talented individuals who may not meet the formal education requirements in rule but are otherwise well-qualified to provide services to individuals with developmental disabilities. One such requirement is that all direct support professionals have a high school diploma or certificate of high school equivalence ("GED").

The agency provider certification rule, Ohio Adm. Code 5123-2-08, and the licensed residential facility rule, Ohio Adm. Code 5123:2-3-01, require that all direct support professionals have a high school diploma or GED. The department can waive provisions of both rules for good cause. See Ohio Adm. Code 5123-2-08(T) and 5123-3-10(C).

For good cause shown, Ohio Adm. Code 5123-2-08(J)(1)(b) and Ohio Adm. Code 5123:2-3-01(F)(1)(c) are waived **effective September 17, 2021, through September 30, 2022**. During that time, agency providers and licensed facilities are permitted to hire direct support professionals without a high school diploma or GED. The agency or licensed facility must confirm the direct support professional meets all other qualifications and must continue to ensure individuals with developmental disabilities receive quality services provided by capable staff. Direct support professionals hired during this time without a high school diploma or GED will be permitted to work for the same agency after the waiver period if they maintain continuous employment with that agency and comply with all other applicable statutes and rules.

Rendered this 17th day of September 2021.

Jeff Davis, Director

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 with questions.