



NON-AGENCY PROVIDERS

OAC 173-39-02, effective 11/08/2020

Qualifications: The provider shall meet all qualifications required in 173-39 of the Administrative Code.

Criminal Record Checks: The provider shall meet all of the criminal record check and database reviews in sections 173.38 and 173.381 of the Revised Code and Chapter 173-9 of the Administrative Code. The provider shall also comply with rule 5160-1-17.8 of the Administrative Code.

Contact Information: The provider shall have a valid email address and primary business telephone number. The provider shall notify ODA or its designee of any change in the provider's telephone number, mailing address, or email address. The provider shall notify ODA or its designee of any change in the provider's telephone number, mailing address, or email address.

Provider Agreements: The provider shall enter into, comply with, and maintain an active status with the following: A Medicaid-provider agreement, as required by rules 5160-1-17.2 and 5160-1-17.4 of the Administrative Code. As well as a provider agreement with ODA's designee for the region in which the provider seeks certification to provide services pursuant to rule 173-39-03 of the Administrative Code.

Incident Reporting: The provider shall have a written policy on documenting incidents that complies with paragraph (B)(3)(b) of this rule. The provider shall notify ODA or its designee of an incident no later than one business day after the provider is aware of the incident.

Service-Related: For any service ODA certified the provider to provide, the provider shall comply with any rule in this chapter regulating the provision of that service.

Reporting: APS: Section [5101.63](#) of the Revised Code, as applicable, requires the provider to report any reasonable cause to believe an individual suffered abuse, neglect, or exploitation to the local adult protective services program. The provider shall also notify ODA or its designee within one business day after becoming aware of the reasonable cause.

Significant Changes: The provider shall notify ODA or its designee no later than one business day after the provider is aware of any significant change that may affect the individual's service needs, including one or more of the following: (i) The provider does not provide an authorized service at the time, or for the period of time, authorized by ODA's designee. (ii) The individual moves to another address. (iii) The individual's repeated refusal of services. (iv) There is a significant change in the individual's physical, mental, or emotional status; environment; or, safety.

Last Day of Service: The provider shall notify the individual and ODA's designee in writing at least thirty days before the last day the provider provides services to the individual, unless one or more of the following occurs: (i) The individual has been hospitalized, placed in a long-term care facility, or is deceased. (ii) The health or safety of the individual or provider is at serious, imminent risk. (iii) The individual chooses to no longer receive services from the provider.

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Confidentiality: The provider shall comply with all state and federal laws and regulations governing individual confidentiality including sections 5160.45 to 5160.481 of the Revised Code, 42 C.F.R. 431.300 to 431.307, and 45 C.F.R. parts 160, 162, and 164.

Legally-Responsible Family Members: The provider shall not provide a service to an individual if the provider is the individual's spouse, parent, step-parent, legal guardian, power of attorney, or authorized representative. During a state of emergency declared by the governor, a provider may provide a service to an individual if the provider is the individual's spouse, parent, or step-parent. The period in which a spouse, parent, or step-parent is qualified to provide a service to an individual ends when the provider's Medicaid provider agreement is terminated.

Volunteers: The provider shall not allow a volunteer to provide any service ODA certified the provider to provide unless ODA's designee and the individual authorize the provider to do so.

Person-Centered Planning: The provider shall comply with the person-centered planning requirements in rule 5160-44-02 of the Administrative Code.

Training: The provider shall participate in ODA's or its designee's mandatory free provider training sessions.

Records and Monitoring: The provider shall retain all records necessary, and in such form, so as to fully disclose the extent of the services the provider provided, and significant business transactions, until the latest of the following dates: (i) Six years after the date the provider receives payment for the service. (ii) The date on which ODA, its designee, ODM, or a duly-authorized law enforcement official concludes a review of the records and any findings are resolved. (iii) The date on which the auditor of the state of Ohio, the inspector general, or a duly-authorized law enforcement official concludes an audit of the records and any findings are resolved.

The provider shall store the individual's records in a place in the home of the individual that is accessible to the provider, individual, and ODA or its designee.

Compliance Reviews: The provider shall participate in good faith, and assist ODA and its designee with scheduling, any compliance reviews under rule 173-39-04 of the Administrative Code.

Access: The provider shall, upon request, immediately provide representatives of ODA or its designee with access to its business site(s), and access to policies, procedures, records, and documentation for each unit of service billed.

Payment: The provider shall only bill for a service if the provider complies with the requirements under all applicable laws, rules, and regulations, including service-verification requirements.

ODA's obligation to pay the provider for the costs of services the provider provides as a certified provider is subject to the hold and review process described in rule 5160-1-27.2 of the Administrative Code.

The provider shall accept the payment rates established in its provider agreement with ODA's designee as payment in full for the services it provides, and not seek any additional payment for services from the individual or any other person.

The provider may provide a service not authorized by the individual's person-centered services plan, by ODA (or its designee) shall only pay the provider for providing services authorized by the individual's person-centered services plan.

Other Laws: The provider shall comply with all applicable federal, state, and local laws, rules, and regulations and is responsible for ensuring all subcontractors comply with all applicable federal, state, and local laws, rules, and regulations.

Rule Updates: The provider shall subscribe to receive email updates on ODA’s rules on <https://aging.ohio.gov>.

Age: The provider shall be at least eighteen years of age.

Identification: The provider shall have a valid social security number and at least one of the following current, valid, government-issued photographic identification cards: (i) Driver’s license, (ii) State of Ohio identification card, (iii) United States of America permanent resident card.

Communication: The provider shall read, write, and understand English at a level that enables the provider to comply with this rule and any rule in this chapter to which the provider is subject. The provider shall be able to effectively communicate with the individual.

Continuation: The provider shall remain in compliance with all requirements under paragraphs (B) and (C)(3) of this rule.

Records retention: In addition to the records-retention requirements under paragraph (B)(10)(a) of this rule, the provider shall store the individual's records in a place or an electronic device in the home of the individual that is accessible to the provider, individual, and ODA or its designee.

By signing below, I verify I read and understand the requirements listed above in order for me to remain in compliance to OAC 173-39-02.

Provider Name (please print): _____

Provider Signature: _____

Date: _____