

## COMPLIANCE REVIEW PROTOCOL

The Ohio Department of Developmental Disabilities (DODD) is committed to assuring that all certified providers receive at least one compliance review during their period of certification.

In order to achieve this result, DODD has prioritized the distribution of reviews as follows:

### **DODD will complete the following reviews:**

- Agency certified waiver providers
- Independent certified waiver providers
- Individual Options (IO) waiver providers who are new to the system and billing for the following IO waiver services:
  - Homemaker Personal Care
  - Non-Medical Transportation
  - Adult Day Support
  - Vocational Habilitation
  - Supported Employment- enclave and community
  - Adult Foster Care
- County board Accreditation
- Licensed providers
- Adult Day Support
- Non-Medical Transportation
- Vocational Habilitation
- Supported Employment- enclave and community
- Transitions Developmental Disabilities Waiver
- SELF Waiver (for first year)
- Non-waiver (county board funded) certified providers

### **DODD will coordinate with county boards to complete the following reviews:**

- Agency waiver providers (except IO new to the system and billing)
- Independent waiver providers (except IO new to the system and billing)
- Level 1 only providers
- Ancillary service providers
  - Environmental Accessibility Adaptations
  - Home Delivered Meals
  - Informal Respite
  - Interpreter
  - Nutrition
  - Personal Emergency Response
  - Social Work
  - Special Medical Equipment and Supplies
  - Non-Medical Transportation (if requested by DODD)
- SELF Waiver (after first year)
- Transitions Developmental Disabilities Waiver (after first year)
- Non-waiver (county board funded) certified providers

## **Review Formats**

- Onsite Review
  - Onsite reviews shall be conducted when there is significant contact between the individual and provider.
- Desk Review
  - Desk reviews are appropriate for services that are very limited or do not involve significant contact between the individual and provider.
    - Ancillary services
    - Informal Respite
    - TDD (if only one TDD service is provided monthly)

## **Review Types**

- Routine
  - Occurs at least once during each period of certification
- Special
  - Can occur at any time based on credible information
    - Pertaining to the health, safety, or welfare of an individual
    - Complaints or allegations
    - Based on a MUI that may indicate failure to comply with applicable requirements
  - Does not affect the routine review schedule
  - Advance notification to the provider is not required
  - Review can be targeted to specific areas (ie. Major Unusual Incidents, medication administration)
  - Timelines for issuing compliance summary, submission of Plan of Correction (POC), approval/disapproval of POC, and POC verification remain the same as for regular reviews
- Abbreviated
  - May be available to providers who are accredited by a national accrediting entity
  - Abbreviated reviews may only be conducted by DODD

## **Review Documents**

- All compliance reviews will be conducted using the review tools and forms developed by the Department.
- Documents include the following:
  - Initial notification letter/email
  - Review Tool
    - Agency
    - Independent

- Ancillary services only
- Abbreviated
- TDD Agency
- TDD Independent
  
- Required Documents List
  - Agency
  - Independent
  - Ancillary services only
  - Abbreviated
- Compliance Summary Report
  - Generated from CMO (software used for entering compliance information) for all review types
- POC approval/disapproval email/letter

### **Compliance Summary Report**

- The compliance summary report contains the following elements:
  - Deficiencies
  - Explanation of deficiencies
  - Timeline for submission of POC, if required
- The compliance summary report will be sent to the provider within 7 days of the completion of the review

### **Plan of Correction**

- POC must be submitted within 14 days of receipt of the Compliance Summary Report
- POC must include the following elements:
  - Action Steps
    - Remediation activities must address both individual specific corrections and systemic corrections to prevent future reoccurrence.
  - Timelines for remediation
- Reviewer will verify that the POC has been implemented within 90 days after approval of the POC.

### **Appeal of Citations**

- Appeals must be submitted within 14 days of receiving the Compliance Summary Report.
- The appeal must include:
  - Basis for the citation appeal
  - Supporting documentation or evidence
- The appeal will not be considered if supporting documentation is not submitted with the appeal request.
- Appeal decisions will be issued to the provider within 10 days of receipt.
- If the compliance review was conducted by the county board and the appeal was disallowed, the provider may submit a written appeal to DODD within 7 days of the county board's decision. DODD will notify the provider of the decision to allow/disallow the appeal within 14 days of receipt.

- If an appeal is disallowed, the provider must submit a POC for the appealed citation within 14 days to the review entity.
- If the appeal is allowed, the citation will be removed and a final report issued.

### REVIEW TIMELINES

<b>Timeline</b>	<b>Task</b>	<b>Person Responsible</b>
<b>90 Days Prior to Review</b>	1. Provider receives notification that a review will occur.	1. Lead Reviewer/Designee
<b>60 -45 Days Prior to Review</b>	1. Reviewer makes phone/email contact with provider and sets review date. 2. Reviewer completes individual and staff sample keys 3. Reviewer sends documents to provider a. Individual Sample Key b. Staff Sample Key (if applicable) c. On-site Required Documents List d. Review Tool e. Provider Questionnaire	1. Lead Reviewer
<b>60-45 Days Prior to Review</b>	1. Questionnaire to SSA(s)	1. Lead Reviewer
<b>40 Days Prior to Review</b>	1. Obtain Questionnaire from SSA	1. Lead Reviewer or person assigned
<b>Onsite Review</b>	1. On-Site Review a. Entrance Conference b. File Review c. Individual Interviews d. Site Visits- if applicable e. Exit Conference	1. Reviewer Team
<b>Desk Review</b>	1. Desk Review a. Review of documents submitted by provider	
<b>7 Days After Completion of the Review</b>	1. No Citations letter/email emailed to provider and county board a. Review process is concluded <b>OR</b> 2. Compliance Summary and request for a POC is emailed to provider	1. Lead Reviewer
<b>14 Days after Issuing Compliance Summary</b>	1. Provider supplies POC <b>and/or</b> 2. Provider submits appeal	1. Provider

<p><b>Within 10 days of Receipt of Appeal</b></p>	<p>1. Appeal decision is issued to the provider.</p>	<p>1. Review Entity</p>
<p><b>Within 20 Days of Receipt of POC</b></p>	<p><b>POC Approval</b></p> <ol style="list-style-type: none"> <li>1. Reviewer emails POC Approval to the provider. The email is copied to the county board contact and includes: <ol style="list-style-type: none"> <li>a. POC Approval letter</li> <li>b. Completed Compliance Summary</li> <li>c. Individual Sample Key</li> </ol> </li> <li>2. Reviewer sets the Plan of Compliance Verification (POCV) date for no later than 90 days after POC Approval</li> </ol>	<p>1. Lead Reviewer</p>
<p><b>Within 20 Days of Receipt of POC</b></p>	<p><b>POC Disapproval</b></p> <ol style="list-style-type: none"> <li>1. If the Reviewer does not approve the POC: <ul style="list-style-type: none"> <li>o Reviewer contacts provider for additional information</li> <li>o If Reviewer is unable to approve the POC after contacting the provider for additional information, the Reviewer emails POC Disapproval and identifies due date for revised POC (14 days from letter)</li> </ul> </li> <li>2. When POC is resubmitted, follow steps for Approval/Disapproval above.</li> <li>3. If the POC is unable to be approved after three attempts, consult the DODD Review Manager for guidance.</li> </ol>	<p>1. Lead Reviewer</p>
<p><b>Within 90 Days of POC Approval</b></p>	<ol style="list-style-type: none"> <li>1. Reviewer verifies that the provider has implemented the approved POC.</li> <li>2. Verification may be either: <ul style="list-style-type: none"> <li>o Onsite</li> <li>o Desk review of documents</li> </ul> </li> <li>3. If the POC is unable to be verified on the first attempt, additional verification attempts will take place at 30 day intervals.</li> </ol>	<p>1. Lead Reviewer</p>

	<p>4. If the POC is unable to be verified after three attempts, consult the DODD Review Manager. Suspension and/or revocation may be considered.</p>	
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