

## 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
- County board Accreditation
- Licensed providers
- Adult Day Support
- Employment services
- Non-waiver (county board funded) certified providers

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

- Agency waiver providers
- Independent waiver providers
- Ancillary service providers
  - Environmental Accessibility Adaptations
  - Home Delivered Meals
  - Informal Respite
  - Interpreter
  - Nutrition
  - Social Work
  - Special Medical Equipment and Supplies
  - Clinical/Therapeutic Intervention
  - Functional Behavioral Assessment
  - Participant/family Stability Assistance

**DODD will coordinate with the Ohio Department of Health to complete the following reviews:**

- Routine licensure reviews of all Intermediate Care Facilities for Individual with Intellectual Disabilities (ICF/IID)

## **Review Formats**

- Onsite Review
  - Onsite reviews shall be conducted when there is significant contact between the individual and provider.
- Virtual Onsite format may be requested by:
  - Independent providers outside of their first certification period
  - Agency providers in extenuating circumstances and with approval of the DODD Group Manager
- 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
    - Providers not providing services (or on a current PAWS)

## **Review Types**

- Routine
  - Occurs once during each period of certification or licensure term
- 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 (i.e. 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
  - ICF/IID specials will be conducted by the Ohio Department of Developmental Disabilities
  - ICF/IID specials may be conducted jointly with the Ohio Department of Health when appropriate
- Abbreviated
  - May be available upon request 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 Data System

- Documents include the following:
  - Initial notification email
  - Review Tool- PDF version available on DODD website for reference
    - Agency
    - Independent
    - Ancillary services only
    - ICF
  - Required Documents List
    - Available in My Portal and DODD website
      - Agency
      - Independent
      - Ancillary services only
      - ICF
      - Accreditation
  - Compliance Report
    - Available in My Portal
  - POC approval/disapproval email
  - POC verification form/email
  - Exit conference signature sheet/Provider Acknowledgement email

### **Compliance Report**

- Within 7 days of completion of the exit conference, the provider will receive an email notification indicating the results of the compliance review:
  - No Cites email
    - No further action required by the provider
  - Citation Notification email
    - Provider directed to My Portal to view Compliance Report
    - Provider informed that the Plan of Correction is due in 14 days and must include corrective action steps and timeline for remediation
- The compliance report contains the following elements:
  - Deficiencies
  - Explanation of deficiencies
- The Compliance Report timeline may be extended upon approval of a manager when a more in-depth analysis is required, upon receipt of additional information, or when additional information must be obtained.

### **Plan of Correction**

- POC must be submitted within 14 days of the Citation Notification email
- 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.

- Upon approval by a manager, timelines may be extended when a more in-depth analysis is required, upon receipt of additional information, or when additional information must be obtained.
- Providers do not have the opportunity to submit a POC when DODD has proposed revocation of certification or license.

**Appeal of Citations**

- Appeals must be submitted within 14 days of the Citation Notification email
- 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 disapproved, 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 approve/disapprove the appeal within 14 days of receipt.
- If an appeal is disapproved, the provider must submit a POC for the appealed citation within 14 days.
- If the appeal is approved, the citation will be rescinded and a final report issued and posted to the DODD website.
- Timelines may be extended upon approval of a manager when a more in-depth analysis is required, upon receipt of additional information, or when additional information must be obtained.

**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. <ul style="list-style-type: none"> <li>a. Notification sent via RDS to email address listed in Provider Services Management (PSM) (not included in an ICF review)</li> </ul>	1. Lead Reviewer/Designee
<b>60 -45 Days Prior to Review</b>	1. Reviewer makes phone/email contact with provider to set review date and identify if review will be in-person or virtual based on guidelines listed above. <ul style="list-style-type: none"> <li>a. If the provider is non-responsive, follow procedure for non-responsive providers. (not included in an ICF review)</li> </ul> 2. Reviewer completes individual and staff sample (not included in an ICF review)	1. Lead Reviewer 2. Lead Reviewer 3. Lead Reviewer

	<ol style="list-style-type: none"> <li>3. The following documents are sent to the provider via email: <ol style="list-style-type: none"> <li>a. Individual Sample Key</li> <li>b. Staff Sample Key</li> <li>c. Required Documents List (not included in an ICF review)</li> <li>d. if a virtual or desk review, instructions on how to organize and upload documents</li> </ol> </li> <li>4. Review Tool- available on DODD website (not included in an ICF review)</li> <li>5. This timeline may be extended upon approval by a manager (not included in an ICF review).</li> <li>6. COVID protocol-timelines may be extended or postponed if provider is dealing with active COVID or confirmed exposure; contact manager for direction</li> </ol>	
<b>60-45 Days Prior to Review</b>	<ol style="list-style-type: none"> <li>1. Email to SSA requesting current span assessments/ISPs for all reviews and feedback (not included in an ICF review)</li> <li>2. This timeline may be extended upon approval by a manager. (not included in an ICF review)</li> </ol>	1. Lead Reviewer
<b>30 Days Prior to Review</b>	<ol style="list-style-type: none"> <li>1. Begin ISP review and review feedback from SSA (not included in an ICF review)</li> </ol>	1. Lead Reviewer or person assigned
<b>Onsite Review</b>	<ol style="list-style-type: none"> <li>1. On-Site Review (in person) <ol style="list-style-type: none"> <li>a. Entrance Conference</li> <li>b. File Review</li> <li>c. Individual Interviews</li> <li>d. Service Setting Visits- if applicable</li> <li>e. Exit Conference</li> </ol> </li> <li>2. On-Site Review (virtual) <ol style="list-style-type: none"> <li>a. Entrance Conference via TEAMS, Facetime, etc.</li> <li>b. File Review</li> <li>c. In-Person Individual Interviews</li> <li>d. In-Person Service Setting Visits- if applicable</li> <li>e. Exit Conference via TEAMS, Facetime, etc.</li> </ol> </li> </ol>	1. Reviewer Team

	<ol style="list-style-type: none"> <li>3. If the provider fails to meet for the review, follow the procedure for non-responsive providers.</li> </ol>	
<b>Desk Review</b>	<ol style="list-style-type: none"> <li>1. Desk Review <ol style="list-style-type: none"> <li>a. Review of documents submitted by provider</li> <li>b. This timeline may be extended upon approval by a manager.</li> </ol> </li> </ol>	1. Lead Reviewer
<b>7 Days After Completion of the Exit Conference</b>	<ol style="list-style-type: none"> <li>1. No Citations email sent to provider via RDS by manually clicking ‘Review Complete Email’ button <ol style="list-style-type: none"> <li>a. Review process is concluded</li> </ol> </li> <li>OR</li> <li>2. Citation Notification requesting a POC is emailed to provider via RDS (verify notifications were sent)</li> <li>3. Staff Sample Key Available to provider in My Portal</li> <li>4. Timelines may be extended upon approval by a manager</li> </ol>	1. Lead Reviewer
<b>14 Days after Issuing Compliance Summary</b>	<ol style="list-style-type: none"> <li>1. Provider submits POC <b>and/or</b></li> <li>2. Provider submits appeal</li> <li>3. If provider fails to submit a POC, follow the procedure for non-responsive providers.</li> <li>4. Timelines may be extended upon request by the provider and approval by the review manager.</li> </ol>	1. Provider
<b>Within 10 days of Receipt of Appeal</b>	<ol style="list-style-type: none"> <li>1. Appeal decision is issued to the provider.</li> <li>2. Timelines may be extended upon approval by a manager.</li> </ol>	1. Review Entity
<b>Within 20 Days of Receipt of POC</b>	<p><b>POC Approval</b></p> <ol style="list-style-type: none"> <li>1. POC Approval email sent to provider via RDS by manually clicking ‘Review Complete Email’ button (verify email was sent)</li> <li>2. Reviewer sets the Plan of Correction Verification (POCV) date for no later than 90 days after POC Approval, unless manager approval to extend the timeline is obtained</li> </ol>	1. Lead Reviewer

	<p>a. POCV date should be scheduled with adequate time to have POC fully verified within 90 days of approval.</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. Disapproval email sent to the provider <ul style="list-style-type: none"> <li>o Provider directed to resubmit POC within 14 days</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 two attempts, consult the DODD Review Manager for guidance.</li> <li>4. If the POC is unable to be approved after three attempts, consult the DODD Review Manager who will need to approve the third disapproval to the POC.</li> <li>5. Timelines may be extended upon approval by a manager.</li> </ol>	<ol style="list-style-type: none"> <li>1. Lead Reviewer</li> </ol>
<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.</li> <li>4. If the POC is unable to be verified after three attempts, consult the DODD Review Manager.</li> <li>5. Timelines may be extended upon approval by a manager.</li> </ol>	<ol style="list-style-type: none"> <li>1. Lead Reviewer</li> </ol>