



Ohio Administrative Code

Rule 173-39-03 ODA provider certification: applying for certification.

Effective: July 1, 2024

(A) Initial steps:

(1) A person may apply for certification by completing an application in the provider management system, which includes electronic submission of all supporting records required as part of the application. An incomplete application expires if the person does not complete the application within ninety days.

(2) ODA shall review an application to determine if the application meets the requirements for the certification the provider is seeking.

(a) ODA shall initiate the process for a pre-certification review if ODA determines that a provider submitted a complete application.

(b) ODA may request supplemental information which the provider shall provide within five business days.

(B) Voluntary withdrawal of application for certification:

(1) A provider may withdraw its application at any time before ODA denies the provider's application or sends the provider's application to ODA's designee for a pre-certification review, whichever comes first.

(2) A provider that withdrew its application may later reapply for certification.

(C) Pre-certification review:

(1) For all providers except providers of community transition provided through the home choice program under rule 5160-51-10 of the Administrative Code and participant-directed providers:



(a) ODA's designee shall visit the provider's business site to determine if the provider meets the applicable requirements in rule 173-39-02 of the Administrative Code and any additional requirements in this chapter regulating a service the provider is seeking certification to provide. During a state of emergency declared by the governor, a federal public health emergency, or as authorized in ODA's discretion, ODA's designee may conduct a desk review of the provider's business site in lieu of a visit.

(b) ODA's designee shall complete the review and notify ODA of its recommendation within sixty days after receiving a complete application to become a provider, unless ODA approves an extended deadline at ODA's discretion.

(c) ODA's designee shall recommend approval or denial of the provider's application.

(d) Paragraph (D) of this rule applies if ODA's designee determines that an ADS or assisted living provider complies with all applicable requirements.

(2) For providers of community transition provided through the home choice program under rule 5160-51-10 of the Administrative Code:

(a) ODA may direct its designee to conduct the pre-certification review to determine if the provider meets the applicable requirements in rules 173-39-02 and 173-39-02.17 of the Administrative Code.

(b) ODA or its designee shall determine whether the provider complies with all applicable requirements and either approve or deny the provider's application pursuant to this rule.

(3) For participant-directed providers, ODA's designee shall conduct a pre-certification review within thirty days after receiving a complete application to determine whether the provider meets the applicable requirements in rule 173-39-02 of the Administrative Code and any additional requirements in this chapter regulating a service the provider is seeking certification to provide, unless ODA approves an extended deadline.

(D) HCBS settings requirements: For ADS or the assisted living service, a provider is subject to the



HCBS settings requirements in 42 C.F.R. 441.301 and rule 5160-44-01 of the Administrative Code. ODA may certify the provider if ODA determines the setting is presumed to have the qualities of a HCBS setting. The setting is subject to the heightened scrutiny described in rule 173-39-03.1 of the Administrative Code if ODA determines the setting is presumed to have the qualities of an institution.

(E) Final determination: ODA bases its final determination of whether to certify a provider on the review of the application materials and the recommendation of ODA's designee.

(F) Approved application:

(1) Applications for all services except community transition provided through the home choice program under rule 5160-51-10 of the Administrative Code:

(a) When ODA approves an application, ODA notifies ODA's designee for the region in which the provider is being certified to provide services.

(b) ODA's designee shall enter into an agreement with each provider specifying, at a minimum, the following:

(i) The time period during which the agreement is in effect.

(ii) The region for which the provider is certified.

(iii) The rate of payment per unit the provider is willing to accept subject to any limits ODM established in rule 5160-31-07 of the Administrative Code and the appendix to rule 5160-1-06.1 of the Administrative Code for the PASSPORT program, and rule 5160-33-07 of the Administrative Code and the appendix to rule 5160-1-06.5 of the Administrative Code for the assisted living program.

(2) Applications for community transition provided through the home choice program under rule 5160-51-10 of the Administrative Code: After ODA approves an application to be a provider of community transition through the home choice program, ODA's designee shall enter into an



agreement with the provider specifying the items under paragraph (F)(1) of this rule.

(G) Provider moving to Ohio from other state: Section 173.391 of the Revised Code establishes a requirement for ODA to certify an applicant moving to Ohio from another state according to Chapter 4796. of the Revised Code if the applicant meets all the following qualifications:

(1) The applicant seeks certification to provide either of the following in Ohio:

(a) One of the following services as a non-agency provider: home maintenance and chores, home medical equipment and supplies, home modification, nutritional consultation, social work or counseling, non-medical transportation, home care attendant, or waiver nursing.

(b) One of the following services as a participant-directed provider: choices home care attendant service or personal care.

(2) The applicant meets the qualifications in section 4796.03, 4796.04, or 4796.05 of the Revised Code.

(3) The provider is not disqualified from a paid direct-care position under Chapter 173-9 of the Administrative Code or section 173.38 or 173.381 of the Revised Code.

(4) The provider is not disqualified from being a provider under rule 5160-1-17.8 of the Administrative Code.

(5) The provider meets the insurance requirement under paragraph (A)(5) of rule 173-39-02 of the Administrative Code.

(H) Denied application:

(1) ODA may deny a providers application for any of the following reasons:

(a) The provider made false representations, by omission or commission, on the provider's application.



- (b) The provider made false statements, provided false information, or altered records or documents.
 - (c) The provider is disqualified under section 173.38 or 173.381 of the Revised Code or under Chapter 173-9 of the Administrative Code.
 - (d) The provider does not meet the applicable requirements in rule 173-39-02 of the Administrative Code or any requirements in this chapter regulating a service that the provider is seeking certification to provide.
 - (e) ODA previously revoked the provider's certification.
 - (f) ODA previously denied an application submitted by the provider within the past three years for any of the reasons stated in paragraphs (H)(1)(a) and (H)(1)(b) of this rule.
 - (g) Any reason permitted or required by state or federal law.
- (2) ODA complies with the administrative appeals procedures established in section 173.391 of the Revised Code.
- (3) The provider is ineligible to reapply for certification for one year after the mailing date of ODA's final adjudication order denying a provider's application.