

CHAPTER 2

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CHAPTER 2

THE BOARD OF DEVELOPMENTAL DISABILITIES

2.1 AUTHORITY FOR ESTABLISHING POLICIES

This Board Policy Manual is adopted by the Pickaway County Board Developmental Disabilities (hereinafter referred to as the Board), under authority granted it by statutes of the State of Ohio, which enumerate among its duties the ability to adopt rules for the operation of its business. A record of Board proceedings shall be kept and open for public inspection in accordance with Ohio Revised Code.

2.2 BOARD MEMBERSHIP

A. Qualifications

All persons appointed to the Board shall be persons interested and knowledgeable in the field of developmental disabilities and other allied fields.

Members of the Board shall be appointed in accordance with the Ohio Revised Code 5126.

B. Appointments

The Board will consist of seven members, five of whom shall be appointed by the Board of Pickaway County Commissioners, and two of whom shall be appointed by the Pickaway County Probate Judge.

Each member shall be a resident of Pickaway County.

C. Term

All appointments shall be for terms of four years. The membership of a person appointed as the parent of a recipient of services shall not be terminated because the services are no longer received. Appointment other than appointment to fill for the vacancy shall be made no later than the last day of November of each year, and the term of office shall commence on the date of the stated annual organizational meeting.

A. Vacancies

Within sixty (60) days after a vacancy occurs, it shall be filled by the appointing authority for the unexpired term. Any member appointed to fill a vacancy occurring prior to the

expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

B. Removal

A Board member shall be removed from the Board by the appointing authority for neglect of duty, misconduct, malfeasance, failure to complete four board credit hours each year, a violation of 5126.0213 of the Ohio Revised Code, or upon the absence of a member within one (1) year for either four (4) regular Board meetings with prior notice or from two (2) regular Board meetings without prior notice.

The Board shall supply the Board member and his appointing authority with written notice of the charges against the member. The appointing authority shall afford the member an opportunity for a hearing, in accordance with procedures it adopts; and shall, upon determining that the charges are accurate, remove the member and appoint another person to complete the member's term.

C. Oath of Office

An oath of office shall be administered to new Board members by the appointing authority.

2.3 ANNUAL MEETING

The Board shall hold an organizational meeting no later than the thirty-first (31) day of January of each year. During this meeting, officers of the Board will be elected. Other business may be conducted at the organizational meeting, as necessary. The organizational meeting shall be conducted in accordance with the rules and regulations applicable to all Board meetings as outlined in Section 5126 of the Ohio Revised Code.

2.4 OFFICERS

The election of officers shall be at the annual organizational meeting as per Section 5126.029 of the Ohio Revised Code. There shall be elected a president, vice-president, and recording secretary who shall be elected for one (1) year and shall service until their successors are elected. No member shall hold more than one (1) office.

The Board may elect other officers determined to be necessary or expedient to conduct its business.

Nominations for the new officers may be brought to the Board by the Nominating Committee appointed by the chairperson and/or by nominations from the floor. The election may be by ballot or by voice vote.

The following are duties of elected officers:

A. President

1. To preside at all meetings of the Board;
2. To appoint committees;
3. To represent the Board as a spokesperson on all public matters relating to the Board. This function may be delegated to another person by the president. If this function is delegated, it must be in writing.
4. To perform such other duties as may be prescribed by law or by action of the Board.

B. Vice-president

1. To preside in the absence of the president;
2. To perform the duties of the president in his/her absence;
3. To perform such other duties designated by the president.

C. Recording Secretary

1. Keep a complete and correct record of all resolutions and meetings of the Board, including a complete statement of approved expenditures and resolutions acted upon.
2. File a certified copy of the Board minutes in the office of the Superintendent as a repository.
3. Provide each member of the Board with a copy of the minutes, including a complete statement of approved expenditures and resolutions acted upon.
4. Perform such other duties as may be delegated either by the president of the Board or assigned by the Board.

2.5 MEETINGS

All meetings of the Board are open to the public at all times, including regular, organizational, and special meetings, as specified under Ohio Revised Code.

A. Regular Meetings

Regular meetings of the Board will be held at least ten (10) times annually, not including inservice training sessions. The dates, times, and places of regular meetings will be decided annually at the organizational meeting.

Notice of all Board meetings (other than the annual organizational meeting) will be posted in all facilities operated by the Board in a conspicuous location in areas accessible to the public during normal business hours. Notice of the time and place of the organizational meeting will be posted at least twenty-four (24) hours in advance of the meeting.

A majority of the Board constitutes a quorum. A regular meeting of the Board may be changed by the Superintendent with the knowledge and approval of the President, by the President, or a quorum of the Board. The Superintendent will post a change, including

time or place, of the regular meeting at least twenty-four (24) hours before the time of the first changed regular meeting. This posting is required if the change in regular meetings is temporary or permanent.

Upon adjournment of any regular meeting to another day, the Superintendent shall promptly post notice of the time and place of such adjourned meeting.

The Board shall adopt rules for the conduct of its business and a record shall be kept of Board proceedings, which shall be open for public inspection.

B. Special Meetings

1. Definition

“Special meeting” means a meeting which is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such meeting. No business other than that listed in the notification may be conducted at special meetings, except in the case of an emergency requiring immediate official action. In the event emergency action is necessary, the nature of the emergency must be stated in the minutes of the meetings. Special meetings shall be held and conducted in accordance with the rules and regulations applicable to all Board meetings.

2. Process for calling and providing notification of special meetings:

A special meeting by the Board may be called by the President or the Superintendent with the knowledge and approval of the President, or by any two (2) members by serving notice of the date and place and subject matter of such meeting. The notice must be provided to each member of the Board and news media at least twenty-four (24) hours prior to the date of such meeting. The notice shall be signed by the official or members calling the meeting.

Notice of a special meeting shall be posted at all facilities operated by the Board in conspicuous places in areas accessible to the public during usual business hours. This posting will be made at least twenty-four (24) hours in advance of the special meeting, except in cases of emergency. The posting will include the date, time, place, and purpose of the special meeting.

Upon the adjournment of a special meeting to another day, the Superintendent shall promptly post notice of the time and place of such adjourned meeting.

C. Requests for notification of regular or special meetings

1. News media

Any news medium organization that desires to be given advance notification of special meetings of the Board shall file with the Superintendent a written request thereof.

2. Individuals

In the event that a person desires to be notified of the specific business to be conducted at a specific meeting, such person must file a request stating the specific type of business of which he/she desires to be notified. A reasonable fee may be charged.

D. Miscellaneous Rules Pertaining to Notification Procedures

Any person can visit the Board's website, or telephone the Board-during that office's regular business hours to review posted notifications for regular or special meetings and to request the available agenda of any such meeting which states the type of business to be discussed.

Any notification provided herein to be given by the Superintendent may be given by any person acting on behalf of or under the authority of the Superintendent

A reasonable attempt at notification shall constitute a notification in compliance with this policy.

The Superintendent/designee shall maintain a record of the date and manner, and time, if pertinent under this policy, of all actions taken with regard to notices and notifications; and shall retain copies of proofs of publication of any notifications or notices published thereunder.

E. Quorum

Four (4) of seven (7) members of the Board shall constitute a quorum for the transaction of business and approval of a motion or resolution. The President may vote on all matters.

Where the quorum is present, several members' refusal to vote is not sufficient, even if a majority, to defeat the action of those actually voting. Members present, including the President, are obligated to vote, unless they wish to be regarded as assenting to the decision of the voluble majority.

EXCEPTION: If a Board member does not vote because of a conflict of interest, the absence of a vote cannot be counted as affirmative.

In no circumstance shall a member of the Board participate in or vote on any matter before the Board concerning a contract agency of which he or a member of his immediate family is also a Board member or an employee-

F. Executive Sessions

The Board shall be permitted to hold an executive session at any regular, organizational, or special meeting, as allowed by Section 121.22 of the Ohio Revised Code.

The President or any member may make a motion to conduct an executive session.

During an executive session, the Board will:

1. Take a roll call vote of the Board members present;
2. Specify the purpose(s) for which the executive session is being called. The purpose must be specified in both the motion and vote to go into executive session.
3. If the specified purpose pertains to personnel matters under Ohio Revised Code, Section 121.22 (G), the motion and vote must also specify which of the particular personnel matters listed in subdivision (G) will be discussed in the executive session, but need not include the name of any person to be considered at the meeting.

G. Participation by Citizens

The President of the Board or a majority of the members extend to visitors the privilege of addressing the Board, and the order of business at any regular meeting shall include an opportunity for members of the public to address the Board, provided that the Board does not obligate itself to consider any request or proposal unless submitted to the President in writing at least seven (7) days before the meeting, exclusive of Sundays and holidays.

The Board endorses the principle of open communication between the public and the Board and between the Superintendent and his staff and free communication of all personnel within the organization through recognized channels of communication.

Any individual or group may address the Board concerning any subject that lies within the Board's jurisdiction. Questions are to be directed to the Board as a whole and may not be put to any individual member of the Board or the administrative staff.

It shall be in order for members of the Board to interrupt a speaker at any time to ask questions or make comments in order to clarify the discussion.

Not more than ten (10) minutes shall be allotted to each speaker, and no more than thirty (30) minutes to each subject, under discussion except with consent of the Board.

No person shall present orally at any meeting of the Board a complaint against an individual employee of the Board. Such charge or complaint shall be presented to the Board in writing and shall be signed by the person(s) making the charge or complaint.

H. Recess of Meetings

The Board may recess a regular meeting to such a time and place as it deems advisable, and the meeting shall be considered a regular meeting and shall not be subject to review provided the public is given adequate information as to where and when it will reconvene.

I. Agenda

The Superintendent shall prepare and deliver a copy of the agenda to the members of the Board and to the media two (2) days prior to any regular Board meeting. The Superintendent, in consultation with the Board President, shall prepare a final agenda for each meeting of the Board. The order of business at each meeting shall be:

- a. Call to order – Roll call
- b. Minutes
- c. Financial report
- d. Committee reports
- e. Superintendent's report
- f. Program/ department reports
- g. Correspondence
- h. Unfinished business
- i. New business
- j. Other business
- k. Adjournment

J. Rules of Order

The Board shall observe Robert's Rule of Order, Revised, except as otherwise provided by the Ohio Administrative Rules or the Ohio Revised Code.

2.6 MINUTES OF PROCEEDINGS

A. Preparations

All resolutions of the Board shall be taken from the minutes and any original certificate of resolution shall be retained by the Superintendent. The Board Secretary shall certify the original copy as being true, correct, and exact. The official minutes are open to public inspection.

B. Distribution

Copies of the minutes shall be prepared promptly after each meeting and shall be distributed to the Superintendent and to the Board members. A copy of the minutes shall be placed on the bulletin board of each Board-operated facility.

Additional copies of the Board minutes may not be issued at county expense. Copies of all official documents may be obtained by any individual at a charge established by the Board to be the cost of furnishing said document.

C. Approval

The minutes of the preceding meeting(s) with any changes made by a motion properly made and carried, or as directed by the President without objection, shall be approved by the Board and signed by the Secretary as the first act of each regular meeting.

D. Custody and Availability

The official minutes and related documents of the Board shall be permanently maintained by the Superintendent and shall be made available to any citizen desiring to examine them during normal business hours.

2.7 COMMITTEES

A. Special Committees and Standing Committees

The Board shall authorize such special committees as are deemed necessary and the members of such committees shall be appointed by the President. A special committee shall report its recommendations to the Board for appropriate action.

No committee shall have more than three (3) Board members assigned to it. No more than three (3) members of the Board shall attend any committee meeting.

No legislative or administrative responsibility shall be delegated to a committee; however, a committee may be assigned general duties to study, investigate, consult, and make recommendations to the Board.

At an annual meeting, the Board shall establish the standing committees for the year and appoint members to each committee.

B. Ad Hoc Committees

Members of the Board may be appointed to ad hoc committees which include citizens, administrators, or other government officials when it is deemed beneficial to the schools or to the community.

2.8 TRANSACTION OF BUSINESS

A. Method of Voting

Voting will be by voice vote. If there is a dissenting vote or noted abstention, the official vote will be by roll call.

B. Authority of Members

The Board members have authority only when acting as a Board legally in session.

The President of the Board shall be the spokesperson on all public matters relating to the Board. No other Board member shall have authority to speak or act on behalf of the Board without express permission of the Board. The Board shall not be bound in any way by any statement or action on the part of any individual Board member or employee, except when such statement or action is in pursuance of specific instruction of the Board.

The Board thus acts only as a body, at public meetings, in decisions openly arrived at and formally recorded.

2.9 POWER AND DUTIES

In accordance with Section 5126.05 of the Ohio Revised Code, the Board shall:

- (1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323 of the Revised Code and establish policies for their administration and operation;
- (2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities;
- (3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;
- (4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;
- (5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;
- (6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;
- (7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

2.10 ETHICAL CONDUCT

Members shall abide by ethical rules of conduct appropriate to public officials of the State of Ohio. No board member shall seek special privileges, criticize employees publicly, disclose confidential information, or consider a complaint by or against an employee, service or program of the Board that is not first submitted to the Superintendent.

2.11 CONFLICTS OF INTEREST

No member shall be interested in a contract for the purchase of property, supplies, or insurance for the use of the Board or any of its contracted services. The Board is specifically forbidden to expend public funds to prepare or distribute material for the purpose of promoting a bond issue or tax levy, or promoting or opposing any candidate for political office. The Board shall not expend public funds for the purposes prohibited by the laws of the State of Ohio. All questions relating to the existence of a conflict of interest shall be referred to the prosecuting attorney and/or the Ohio Ethics Commission for resolution.

2.11.1 ETHICS COUNCIL

A. Purpose

The Board supports the belief that membership of a person on, or employment of a person by a county board of DD does not affect the eligibility of his/her family for services provided by the Board or by an entity under contract with the Board. Therefore, the Board has created an Ethics Council to review all direct services contracts, all Family of a Board Member Individual Services Contracts, and all Employee of the Board Individual Services Contracts.

B. Definitions:

1. Direct Services Contract: any legally enforceable agreement with an individual, agency or other entity that, pursuant to its terms of operation, may result in a payment from a county board of DD to an eligible person or to a member of the family of an eligible person for services rendered to eligible person. Direct services contracts will include, but not be limited to Supported Living, Reaching Beyond Gift Funds, and Health and Respite Funding Family of a Board Member Individual Services Contract: Any legally enforceable agreement for services to an immediate family member of the Board or a former member of the Board.
2. Employee of the Board Individual Services Contract: Any legally enforceable agreement for Individuals Services with an individual, agency or other entity that,

pursuant to its terms of operation, may result in a payment from a county board of DD rendered to an employee of the Board.

3. Individual Services: For the purposes of this policy an Individual Service is a service that is specific to an individual based on Individual Services Plan for services that are not included in a Day Habilitation contract or a Non-Medical Transportation for Day Habilitation contract. Individual Services may include, Supported Living, Health and Respite, Transportation, or any other services under the authorities of the Board.

C. Policy

1. The Board shall appoint three members of the Board to an Ethics Council at the annual organizational meeting. The President may be one of those appointed and the Superintendent shall be a non-voting member of the Council. The Board shall not appoint a board member to the Ethics Council if the member, or any member of their family, will have any interest in any direct services contract under review by the Council while the member serves on the Council or during the twelve-month period after completion of their council service. If a council member or a member of the council member's immediate family has or will have such an interest, the President shall replace the member by appointing another Board member to the council.
2. The role of the Ethics Council shall be to review all direct service contracts which may result in direct payment to an eligible person or to a member of the eligible person's family, all Family of a Board Member Individual Services Contracts, and all Employee of the Board Individual Services Contracts according to this policy and develop for recommendation to the Board policy regarding ethical standards, contract audit procedures, and grievance procedures with respect to the award and reconciliation of the direct services contract.
3. The Ethics Council shall meet as needed to perform its function. Any action taken by the Ethics Council shall be in public to afford the affected party the opportunity to meet with the Ethics Council on matters related to direct services contracts or any action taken by the Council. The Superintendent shall establish a form for the standardized review of each proposed contract. This form, when completed shall serve as the record of proceedings of the Ethics Council meetings.
4. All contracts or information pertinent to the contracts provided to the Ethics Council shall be sent by the Superintendent or his/her designee with appropriate certification that the contracts are within available resources and appropriations made by the Board. The Ethics Council, during its regular meeting, shall determine whether the amount to be paid under the contract is appropriate based on actual expenses or reasonable and allowable projections. The Ethics Council shall also determine whether the eligible persons who would receive services under the contract stand to receive any preferential treatment or any unfair advantage over other eligible persons.
5. If the amount to be paid is not acceptable or the contract would result in preferential treatment or unfair advantage, the Ethics Council shall recommend

that the Board not authorize the Superintendent or designee to enter into a contract or shall suggest acceptable, specific revisions. The Board shall not enter into any contract that is not recommended by the Ethics Council or enter into any contract to which revisions are suggested if the contract does not include the specified revisions.

6. The Superintendent or designee shall be authorized to enter into said services contracts in accordance with Board procedures that the Ethics Council recommends or recommends with specified revisions.
7. The Ethics Council, the Superintendent or the Board may request the prosecuting attorney to prepare a legal review of recommended direct services contracts or contracts for individual services to immediate members of Board members or for contracts that may result in payment to employees or immediate family members of employees to determine compliance with state law.
8. The Ethics Council shall in no way allow a member or employee of the Board to authorize, or use the authority of his office or employment to secure authorization of a direct services contract that they may benefit from in any way.
9. This policy shall be in full compliance with the mandates of sections 5126.03 and 5126.32 of the Ohio Revised Code.
10. The Ethics Council may also refer or may request that the Superintendent refer any questions of conflict of interest or other ethics issues outside those issues covered in the above mention sections to the Pickaway County Prosecuting Attorney or to the Ohio Ethics Commission for resolution.

2.12 COMPENSATION: EXPENSES OF BOARD MEMBERS

In accordance with Ohio Revised Code Section 5126.028, Board members will receive no compensation for their terms, but shall be reimbursed for necessary expenses in the conduct of the Board business, including those incurred within the county of residence.

2.13 TABLE OF ORGANIZATION

The Board table of organization is approved at the annual organization meeting.

2.14 SUPERINTENDENT DUTIES AND RESPONSIBILITIES

The Superintendent shall be the Chief Executive Officer for the Board for the administration of all programs provided by the Board in conformance with policies adopted by the Board. The Superintendent may delegate responsibility to appropriate members of the administrative staff, but he/she shall be responsible to the Board for the total operation of the system.

Pursuant to Section 5126.0220 of the Ohio Revised Code, the Superintendent shall:

- A. Administer the work of the Board, subject to the Board's approval;
- B. Recommend to the Board the changes necessary to increase the effectiveness of the programs and services offered pursuant to Chapters 3323 and 5126 of the Revised Code;

- C. Employ persons for all positions authorized by the Board, approve contracts of employment for management employees that are for a term of one year or less, and approve personnel actions that involve employees in the classified civil service as may be necessary for the work of the Board.
- D. Approve compensation for employees within the limits set by the salary schedule and budget set by the Board and in accordance with section 5126.082 of the Revised Code, and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties:
- E. Provide consultation to public agencies, including other county boards of developmental disabilities, and to individuals, agencies, or organizations providing services supported by the Board.

The Superintendent may authorize the payment of Board obligations to be paid by the County Auditor.

Other duties and responsibilities of the Superintendent may be authorized by the Board in accordance with all applicable laws and rules.

2.15 STRATEGIC PLAN

The Board shall develop and adopt by resolution a strategic plan that meets the requirements of sections 5126.04 and 5126.054 of the Revised Code, includes the Board's mission and vision, and addresses the Board's strategy for:

- (a) Promoting self-advocacy by individuals served by the Board;
- (b) Ensuring that individuals receive services in the most integrated setting appropriate to their needs;
- (c) Reducing the number of individuals in the county waiting for services;
- (d) Increasing the number of individuals of working age engaged in community employment;
- (e) Taking measures to recruit sufficient providers of services to meet the needs of individuals receiving services in the county; and
- (f) Meeting with each newly certified independent provider within sixty days of the provider being selected to provide services to an individual, for purposes of confirming the provider understands the individual service plan and the provider's responsibilities and ensuring the provider has contact information for the Board.

The strategic plan shall be made readily available to individuals and families who receive services, employees of the county board, citizens of the county, and any other interested persons.

The Board shall prepare a strategic plan progress report at least once per year. The strategic plan progress report shall be made readily available to individuals and families who receive services, employees of the Board, citizens of the county, and any other interested persons.

The Board shall have a mechanism for accepting public feedback regarding the strategic plan and strategic plan progress reports.

2.16 ELIGIBILITY DETERMINATION FOR BOARD SERVICES

- A. Except as provided in paragraph G of this policy, the Board shall make eligibility determinations for county board services in accordance with the definition of "developmental disability".
- B. For persons age sixteen or older, a substantial functional limitation in a major life area is determined through completion of the Ohio eligibility determination instrument or an alternative instrument issued by the department for use in determining eligibility for county board services and application of criteria found therein.
- C. For persons age six through age fifteen, a substantial functional limitation in a major life area is determined through completion of the children's Ohio eligibility determination instrument or an alternative instrument issued by the department for use in determining eligibility for county board services and application of criteria found therein. The children's Ohio eligibility determination instrument or an alternative instrument issued by the department for use in determining eligibility for county board services is used in the eligibility determination process for the Board for all services and supports other than special education services.
- D. The Ohio eligibility determination instrument, the children's Ohio eligibility determination instrument, and any alternative instrument issued by the department for use in determining eligibility for Board services shall be administered by persons employed by the Board or regional councils of governments formed under section 5126.13 of the Revised Code by two or more county boards and authorized to do so by the department.
- E. The Board may establish eligibility for services for any preschool child with a disability eligible for services under section 3323.02 of the Revised Code whose disability is not attributable solely to mental illness as defined in section 5122.01 of the Revised Code.
- F. The Board shall complete eligibility determination within forty-five days of the request for services or after all necessary information has been received from the referring party or applicant except that:
- G. For children under age three, the eligibility report completed by or for "Help Me Grow" shall be used for eligibility determination; and
- H. For children age three through age five, the evaluation completed by or for the school district for preschool special education may be used for eligibility determination.
- I. The Board shall keep on file the documents used to determine eligibility for services of all persons who apply after July 1, 1991, whether or not such persons are found to be eligible. Information on persons found to be ineligible shall be maintained for five years after such determination is made.
- J. When a person who has been determined eligible for Board services after July 1, 1991 moves or wants to move to another county in Ohio, that person shall be deemed eligible

by the new county board. The new county board, however, may review the person's eligibility. During the review, the person continues to be eligible to receive services according to the new county board's strategic plan and priorities.

- K. All persons who were eligible for Board services and receiving services pursuant to Chapter 5126. of the Revised Code on July 1, 1991, shall continue to be eligible for those services and to receive services as long as they are in need of services.
- L. All persons who were eligible for case management services and receiving case management services pursuant to Chapter 5126. of the Revised Code on January 10, 1992, shall continue to be eligible for those services and to receive services as long as they are in need of services.
- M. All persons determined ineligible for Board services shall be referred, with their consent, to other agencies or sources of services.

2.17 CONTRACTS

- A. The Board may enter into contracts with other such county boards and with public or private non-profit or profit-making agencies or organizations of the same or another county or with an individual to provide the facilities, programs, and services authorized or required upon such terms as may be agreeable, and in accordance with Chapters 3323 and 5126 of the Ohio Revised Code and Rules adopted thereunder.
- B. When the Board initiates a contract for services, it shall assure that the services being provided are in accordance with the rules of the Department. When the Board enters into a contract to provide such services, the Board shall monitor contracted agencies on an ongoing basis to assure compliance.
- C. The Board shall provide reimbursement for contract services only when individuals receiving such contracted services meet eligibility requirements established by the Department.

2.18 EMPLOYMENT FIRST

The Board adheres to an Employment First policy through the support of community employment services. Community employment is the first and preferred outcome for every person of working age served by the Board. The Board strongly supports Ohio's Employment First Initiative and considers competitive employment an essential organizational value.

To achieve Employment First policy, the Board will:

- A. Expand community employment opportunities by reducing barriers and aligning with DODD initiative.
- B. Enhance lives by creating greater opportunities for all people to advance their careers.

- C. Provide diversity and enrichment to the community, promote equal opportunity within the community, and decrease dependency on public funding.
- D. Provide employers and their businesses with more value because of access to dependable and qualified employees.
- E. Encourage, provide, create, and reward integrated employment in the workforce as the first and preferred option of all students and adults with disabilities who are served by the Board.
- F. For students, the Board will work with school district personnel, students, families, and other applicable entities to draft Individualized Education Programs (IEP's) and Transition Plans that consider the ultimate outcome of integrated employment as the preferred option and shall work cooperatively to attain career goals. Any decision by the student and/or family to not pursue career planning activities as part of a Transition Plan OR to not consider employment in the community upon graduation from a school program shall be documented, with reasons and rationale provided.
- G. For adults, Individual Service Plans (ISP's) shall consider integrated employment as the preferred option for each person served and the team shall work cooperatively with persons served to attain that career goal. Any decision to not consider employment in the community for specific individuals is to be re-evaluated on at least an annual basis, with the reasons and rationale for these decisions fully documented and addressed in service plans.
- H. The Board will develop and maintain a "Local Leaders Interagency Agreement" between the Board and community partners involved in Employment First to set benchmarks and move towards identified employment outcomes.

For purposes of the policy, the Board shall:

- A. Engage in the person-centered planning process. The purpose of a person-centered planning process is to identify an individual's unique strengths, interests, abilities, preferences, resources, and desired outcomes as they relate to community employment.
- B. Incorporate Employment First principles in its strategic plan.
- C. Collect data and submit it to DODD regarding individuals who received employment services, as well as individuals who do not receive employment services but who are engaged in competitive or community employment.
- D. Develop and monitor on-going benchmarks for increasing the number of individuals of working-age who are engaged in community employment services.
- E. Work collaboratively with local school districts in the county to ensure a framework exists for individuals approaching completion of a school program that supports community employment and reduces or eliminates duplication of efforts.
- F. Disseminate information to individuals served, families, and community partners that promotes and facilitates community employment.
- G. Adopt procedures that align with this policy that outline appropriate roles, tasks, and coordination activities.

2.19 ADMINISTRATIVE RESOLUTION OF COMPLAINTS

I. General Principles

A. Basis for Review

1. The Rule is intended to provide a process for:

- (a) Resolution of complaints involving the programs, services, policies, or administrative practices of a DD Board or an entity under contract with a DD Board.
- (b) Appeal of adverse actions proposed or initiated by a DD Board. 5123:2-1-12(A) (Hereinafter Rule (-)). An Adverse action includes any denial, reduction, suspension, or termination of a non-Medicaid services or denial of eligibility. Rule (C)(1).

B. Who Can File

1. A complaint may be filed by either an [eligible] individual or [another] person. Rule (B) (1).

2. An appeal can only be filed by an [eligible] individual. Rule (B) (1).

3. Definitions

(a) The rule defines “individual” as any of the following:

- i. a person with a developmental disability who is eligible, or purports to be eligible, for services pursuant to Chapters 5123. and 5126. of the Revised Code
- ii. a parent of a minor child,
- iii. an individual's guardian, or
- iv. an adult authorized in writing by the individual pursuant to section 5126.043 of the Revised Code to make a decision regarding receipt of a service or participation in a program. Rule (C) (8).

(b) The Rule defines “person” as including "an individual, corporation, business trust, estate, trust, partnership, and association.” Rule (C) ((11); R.C. 1.59 (C).

C. Non-Medicaid Supported Living

For Complaint/Appeals involving non-Medicaid supported living services, the individual must follow the Provider’s contract terms before filing an Complaint/Appeal under this rule. Rule (B) (1).

D. Rule Does Not Apply to the Following Complaint/Appeals:

1. When the Board is subcontractor or vendor
2. Issues arising from special education or early intervention services including Help Me Grow services.
3. Medicaid appeals, including appeals involving HCBS services
4. Delegated nursing decisions
5. Services provided by an ICF/IID. Rule (B)(2).

If a Complaint/Appeal is not covered by 5123:2-1-12, the Board must provide information on how an appropriate Complaint/Appeal can be filed, including the name and telephone number, if

available, of the appropriate entity with which to file the complaint or appeal of adverse action. Rule (B) (3).

E. General Procedures for Complaint/Appeals

1. Complaints and Appeals must be in writing. If necessary, the Board must assist the individual/person in filing the Complaint/Appeal. Rule (D) (1).
2. All Complaint/Appeal proceedings are confidential unless the individual specifically consents to disclosure in writing. Rule (D) (2).
3. An advocate may assist the individual at all times throughout the process. Rule (D) (3).
4. Time lines can be extended by mutual agreement of all parties in writing. Rule (D) (4).
5. Parties can resolve a dispute informally at any stage of the process if all parties agree in writing. Rule (D) (5).

F. Review Proceedings Required before Filing Court Action

A civil action or appeal can only be filed after exhausting the administrative remedies required by this rule. Rule (B) (1), (H); R.C. 5126.06. This rule is not intended to provide any right or cause of action that does not exist absent this rule. Rule (H).

II. Giving Information on Complaint/Appeal Procedures

The Board shall provide a copy of the attached form which summarizes Complaint/Appeal procedures:

1. At time of initial request for services
2. At least annually to all individuals receiving non-Medicaid services
3. At least annually to all individuals on a waiting list for non-Medicaid services
4. Upon receipt of a complaint under the Rule
5. When the Board proposes an adverse action. Rule (E)(1).

III. Notices of Adverse Action

A. Definition of Adverse Action

An Adverse action includes any denial, reduction, suspension, or termination of a non-Medicaid services or denial of eligibility. Rule (C) (1).

B. Notice of Adverse Action (non-emergency)

1. The Board must give written notice at least 15 calendar days before proposed action, except when necessary to protect health and safety of the individual or others.
2. Notice must include all of the following (Rule E (2) (a)). The Board must retain documentation of receipt as defined above. Rule E (2) (b).
 - (a) An explanation of the county board's policy and/or authority for taking the adverse action;
 - (b) A description of the specific adverse action being proposed or initiated by the county board;
 - (c) The effective date for the adverse action;

- (d) A clear statement of the reasons for the adverse action including a description of the specific assessments and/or documents that are the basis for the adverse action;
- (e) An explanation of the individual's right to appeal the adverse action;
- (f) An explanation of the steps the individual must take to appeal the adverse action;
- (g) A statement that the individual has ninety calendar days to appeal the adverse action;
- (h) A statement that the individual must file his or her appeal prior to the effective date for the adverse action to keep his or her services in place during the appeal process;
- (i) The name and contact information for the staff member of the county board who can assist the individual with his or her appeal; and
- (j) The "Complaint or Appeal of Adverse Action Explanation Form" contained in the appendix to the Rule.

C. Notice of Adverse Action in Emergency

1. This notice section applies when it is necessary to suspend an individual's services without delay to ensure the health and safety of the individual or other individuals. Rule (E) (3). The Board must retain documentation of date of service of notice in accordance with requirements summarized in section III.D.
2. The following steps are required for notice in emergency:
 - (a) Determine what immediate steps are necessary to ensure the health and safety of the individual and other individuals; and
 - (b) Provide written notice to the affected individual immediately. The notice shall include:
 - (i) An explanation of the county board's policy and/or authority for suspending the individual's services;
 - (ii) A description of the specific services being suspended;
 - (iii) The effective date for the suspension of services;
 - (iv) A clear statement of the reasons for the suspension of services including a description of the specific circumstances that jeopardize the health and safety of the individual or other individuals;
 - (v) An explanation that the county board shall arrange for appropriate alternative services and a description of the specific alternative services available to the individual;
 - (vi) An explanation of the steps the county board shall take in accordance with paragraphs (E) (3) (c) and (E) (3) (d) of this rule;
 - (vii) The name and contact information for the staff member of the county board who can answer questions about the suspension of services; and
 - (viii) The "Complaint or Appeal of Adverse Action Explanation Form" contained in the appendix to the Rule.

3. The Board shall convene a team within 5 calendar days of service of notice. The team must consider ways to eliminate the identified risk to health and safety.
4. Five calendar days after the team meeting, the Board must do any one of the following:
 - (a) With consent of the individual, eliminate risk to individual or others and restore services; or
 - (b) With consent of the individual, arrange for appropriate alternative services; or
 - (c) Provide written notice that includes the components described in section B.2 of this summary. The notice must be served at least fifteen calendar days prior to the effective date of such action. If the individual files an appeal prior to the effective date of the termination of services, the county board shall keep the individual's alternative services in place until the appeal process is completed.

D. When Notice is deemed to have been served

The following criteria are used to determine whether notice has been properly served and when the time requirements for further action begin (Rule (C) (10)):

1. For an individual who has selected email as his or her preferred method of communication, electronic confirmation that the individual has read the email;
2. Personal delivery to an individual; or
3. The date of certified mailing to an individual unless:
 - (a) The original certified mailing is refused, in which case notice is deemed to have occurred on the date the notice is resent by ordinary mail to the individual; or
 - (b) The original certified mailing is unclaimed, in which case notice is deemed to have occurred on the date the notice is resent by ordinary mail to the individual unless within thirty days after the date the notice is resent, the resent notice is returned for failure of delivery.

IV. Informal Process for Complaints and Appeals

Board policy allows an individual or person to engage in informal dispute resolution, providing that the informal process does not take longer than 30 days. Use of the informal process will delay the time required for filing an appeal. Rule (F); (G)(1)(b).

EVENT	DAYS
<p>Notice (non-emergency)</p> <p>Content of notice at section III.B.2</p>	<p>15 calendar days prior to effective date of proposed action</p>
<p>Notice (emergency)</p> <p>Content of emergency notice at Summary section III.C.2(b) above.</p> <p>If emergency notice issued, there are Mandatory DD Board meetings at Summary sections III.C.3, III.C.4 above.</p>	<p>Immediately</p>
<p>Filing complaint with supervisor or manager of DD Board</p>	<p>Within 90 Calendar days of becoming aware of the program, service, policy, or administrative practice that is the subject of the complaint.</p>
<p>Filing appeal after notice of adverse action. Appeal filed with supervisor or manager of DD Board</p>	<p>Within 90 calendar days of notice of the adverse action or within ninety calendar days of conclusion of the informal process set forth in paragraph (F) of this rule.</p>
<p>STEP ONE: REVIEW BY SUPERVISOR/MANAGER</p>	
<p>Supervisor or manager shall conduct investigation, including a meeting the individual/person who filed complaint/appeal.</p> <p>Written report required which includes</p> <ul style="list-style-type: none"> - rationale for the decision - description of the next step in the review process <p>Supervisor or manager must be available to discuss written report</p>	<p>Within 15 calendar days of receipt of complaint or appeal.</p>

STEP TWO: REVIEW BY SUPERINTENDENT	
<p>If process in Step One is not satisfactory, the individual/person can file complaint/appeal with Superintendent</p>	<p>Within 10 calendar days of notice of decision of supervisor/manager</p> <p>If supervisor/manager does not draft report, 25 calendar days of filing complaint/appeal with supervisor/manager</p>
<p>Superintendent or designee shall meet with individual/person and conduct administrative review.</p> <p>Superintendent may ask questions, review circumstances and facts.</p> <p>Individual/Person filing complaint/appeal shall have opportunity to present Superintendent with reasons why decision of supervisor/manage should be reconsidered.</p>	<p>Within 10 calendar days of receipt of complaint/appeal</p>
<p>Superintendent shall send decision to individual/person who filed complaint/appeal.</p> <p>Decision shall be sent certified mail, return receipt requested. Decision must include:</p> <ul style="list-style-type: none"> - rationale for the decision - description of the next step in the review process 	<p>Within 15 days of receipt of complaint/appeal</p>
STEP THREE: REVIEW BY DD BOARD	
<p>If process in Step Two is not satisfactory, the individual/person can file complaint/appeal with president of the DD Board.</p>	<p>Within 10 calendar days of notice of decision of superintendent/designee.</p> <p>If superintendent does not issue decision within required time, 25 calendar days of filing complaint/appeal with superintendent</p>
<p>Complaint/appeal may be reviewed by DD Board in one of three ways:</p> <ul style="list-style-type: none"> - Full DD Board - Committee of two Board members - Hearing officer who is not an employee or contractor with the DD Board. 	

Upon request, individual/person has access to all records and materials related to appeal	Not less than 10 days before hearing
Hearing private unless individual/person requesting hearing chooses to make hearing public	
Both parties may present evidence	
Individual/person has right to be represented by counsel	
Individual/person may require attendance of, and question, any official, employee, or agent of the county board who may have evidence upon which the complaint/appeal is based.	
DD Board shall record proceedings either with stenographer or recording. Individual/person filing complaint/appeal is entitled to one free copy of transcript.	
In making its decision, the county board may request or consider additional information with notice to all affected parties, may request a presentation in writing and/or in person from each party, or take other action necessary to make a determination.	
DD Board shall send decision to individual/person, by certified mail, return receipt requested. Decision shall include: - rationale for the decision - description of the next step in the review process	Within 15 calendar days of board hearing or Within 15 calendar days of receipt of report/recommendation of committee or hearing officer
STEP FOUR: REVIEW BY DIRECTOR OF DODD	
If process in Step Three is not satisfactory, the individual can file complaint/appeal with Director of DODD NOTE THAT ONLY AN INDIVIDUAL AS DEFINED IN I.B.3(a) CAN FILE AN APPEAL TO DODD	Within 15 calendar days of notice of decision of DD Board. If DD Board does not issue decision within required time, within 55 days of filing complaint with president of DD Board
Director shall send copy of complaint/appeal to superintendent and president of DD Board	

President of DD Board shall send the director the written transcript of the county board hearing, copies of any exhibits, and a copy of the county board's decision	within 20 calendar days of receiving the copy of the complaint/appeal of adverse action from the director
The director may request or consider additional information with notice to all affected parties, may request a presentation in writing and/or in person from each party, or take other action necessary to make a determination	
Director shall issue decision with rationale. Decision must be sent certified mail, return receipt requested, to all parties	Within 45 days of receipt of the written transcript of the DD board hearing, copies of any exhibits, and a copy of the
Standard of review by director: Whether the decision of the DD Board is in accordance with applicable statute and administrative rule	
OTHER REMEDIES	
After completion of all procedures, the individual/person may commence a civil action or appeal.	

2.19.1 MEDICAID DUE PROCESS

Services that may be reimbursable through Medicaid, such as Targeted Case Management (TCM) or Home and Community-based Waiver Services (HCBS), are to be based upon an assessed and medically related need for the service. At the time of application for such services, the individual will receive information about his/her right to a state hearing. Evidence of all appeal rights notifications shall be included in the individual's Service and Support Administration file. If the services are approved, the type, frequency, and implementation of the needed service are to be reflected within the individual's service plan.

When Medicaid-funded services are denied, reduced, or terminated, this is considered an adverse action. An adverse action may be the result of assessment outcomes, professional opinion, and/or individual request. When Medicaid-funded services are denied, reduced, or terminated the individual has the right to a state hearing if he/she wishes to appeal the decision. An individual may designate a person, such as legal counsel, relative, friend, or other spokesperson, to act as his/her authorized representative. The Board may assist the individual in identifying an authorized representative if the individual is thought to have difficulty understanding his/her appeal rights.

No reduction or termination of the service or service frequency or duration may occur without giving notice to the individual or his/her authorized representative not less than 15 calendar days prior to the effective date of the proposed action. This notice must be hand delivered or sent by certified mail. The individual or his/her authorized representative has 90 calendar days from the mailing or delivery date of the notice in which to file an appeal. This request may be made in writing or verbally. If a verbal request is made, the request shall be transcribed in written format. Services to the individual will continue if an appeal is received within 15 days. If there is no appeal, services will be terminated and payment will stop. Services will not be reinstated if the appeal is received within 90 days, but after 15 days.

In accordance with ORC 5101.35 the Board assures that if the enrolled individual fails to request a hearing within the 15 day prior notice period, but requests a hearing within 10 days following the effective date of the proposed adverse action, and has good cause for failing to request a hearing within the prior notice period, service shall be reinstated to the previous level and continued until the hearing is decided.

Determination of “good cause” is the responsibility of the Ohio Department of Job and Family Services (ODJFS) hearing authority, who is the hearing supervisor in the ODJFS district office with jurisdiction over the county in which the individual lives. If good cause is found, the hearing authority will issue an order that services be reinstated. It is then the responsibility of the Department to assure that the service is reinstated and continued until the hearing decision is made. Service invoices would be submitted by the Board to the Office of Medicaid Payment and Supports to recover costs related to the provision of the reinstated service.

When a request for an initial Medicaid-funded service or a request to increase the frequency/duration of an existing Medicaid-funded service is denied, the individual or his/her authorized representative must be given a notice of denial ~~by the habilitation center~~. ODJFS form 7334 “Notice of Denial of Your Application for Assistance” will be used for this purpose.

When a decision has been made to terminate a service being received or to reduce the frequency and/or duration of the service, ODJFS form 4065 “Important Notice About Your Welfare Benefits” will be used.

In cases where the decision of the Board is being appealed, the Service and Support Director shall prepare the “Appeals Summary” using the ODJFS form 4067. A copy of this summary and all related material, including the certified letter receipt, will be maintained by the Board. Copies of the appeal summary and related documents shall be made available to the individual and his/her authorized representative for a reasonable period of time before the hearing.

The Service and Support Director will forward the ODJFS 4067 to the Department before the scheduled date of the hearing. The actual hearing will typically be conducted via telephone conferencing. The appellant or designated representative is usually present with the hearing office and the other relevant parties participate via the conference call. The decision of the hearing officer is made known in a written document to all relevant parties at a later date.

In order to avoid unnecessary state hearings, the Board provides an opportunity for individuals to discuss and/or resolve disagreements through a county conference. When a request for a county

conference is made, the Board shall follow the procedures established in policy 2.19 Administrative Resolution of Complaints. However, a request for a county conference in no way diminishes an individual's hearing rights. The right to a state hearing regarding the adverse action is guaranteed in the federal statutes that govern all Medicaid-funded services.

An individual or his/her authorized representative may withdraw a request for a state hearing. This withdrawal must be made in writing and must be signed and dated by both the individual and the Service and Support Supervisor. The written withdrawal shall clearly set forth the resolution upon which the withdrawal is based, and shall be forwarded to the assigned hearings section within two workdays. One copy shall be given to the individual, and one copy shall be retained in the case file.

2.20 RECORDS

All records required by the DODD shall be maintained in the administrative offices of the Board or other authorized locations.

- A. The Board shall maintain fiscal records that are in compliance with the county and state auditor's requirements in section 149.38 of the Revised Code.
- B. The Board shall maintain a record of signed statements regarding criminal background checks completed by Board employees in accordance with Section 5126.28 of the Revised Code.
- C. The Board shall adopt policies and have written procedures which address access, duplication, dissemination, and destruction of personnel records.
- D. The Board shall maintain personnel records which shall include the following:
 1. Name, permanent and current address, phone number, and person to notify in case of emergency
 2. Job description which includes the essential functions of the job, requirements for certification, registration, or license, civil service classification, and title as established by the Department of Administrative Services, if applicable, unless there is a collective bargaining agreement to the contrary;
 3. Records of accrued and used sick leave and vacation;
 4. Record of permanent or temporary certification, license, or registration, as applicable;
 5. Records of inservice training;
 6. Annual performance evaluations signed by the immediate supervisor, the Superintendent or his/her designee, and the employee;
 7. Payroll information;
 8. Record retention information;
 9. Application forms.

- E. The Board shall maintain in a separate medical file a record of a physical examination current within sixty days of the date of hire. The Board may not require the applicant to pay the cost of a physical examination as a condition of employment.
- F. Personnel records shall be accessible to DODD personnel authorized by the Director of DODD.
- G. The Board shall adopt policies and have written procedures that address access, duplication, dissemination, and destruction of records of individuals served in Board programs (See Chapter 9 HIPAA Policy)
- H. Records and reports related to the program shall be submitted as requested by DODD.

Amendment of Eligible Individual Records

Individuals served and/or their guardians may request amendment and/or correction of the records using the procedure specified in Chapter 9 HIPAA Policy.

Public records

In accordance with the Ohio Revised Code, the Board defines records as: any document, device, or item – paper, electronic (including, but not limited to, e-mail), or other format that is created or received by, or comes under the jurisdiction of the Board, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Board. Records regarding eligible individuals are not public records and will be disclosed only in accordance with state and federal law.

Records will be organized and maintained so that they are readily available for inspection. A poster explaining the Public Records Policy and the Record retention schedules will be updated regularly and posted prominently at the Board's administration office on official bulletin boards. A Records Officer shall be appointed by the Superintendent to carry out this policy.

Record requests

A requester must at least identify the records requested with sufficient clarity to allow the Board to identify, retrieve, and review the records. If it is not clear what records are being sought, the Board may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Board and accessed in the ordinary course of the Board's business.

The Board may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of

the identity or intended use would benefit the requester by enhancing the ability of the Board to identify, locate, or deliver the public records sought by the requester.

Public records will be available for inspection during regular business hours, with the exception of published holidays or authorized closings. The Board's regular business hours are 8:00 a.m. to 4:00 p.m. although these hours may change from time to time. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

The Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the Board will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The Board will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as required by the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies and actual costs of mailing copies, including postage and mailing supplies.

E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Board. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the Board's records custodian.

The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

RECORDS DESTRUCTION

Records identified on the records retention schedule may only be destroyed with the prior authorization of the Records Manager and the Superintendent. The request and authorization shall be documented on the Records Destruction Authorization form. That form shall be housed in the administrative office.

DISCLAIMER

Notwithstanding the existence of this policy, the Board hereby informs the public that it shall comply with the requirements of the Ohio Public Records Act, including, but not limited to, Section 149.43 of the Ohio Revised Code, and that the provisions of the Ohio Public Records Act, and any amendments thereto, supersede and take precedence over this policy. The ~~County~~ Board retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.

2.21 FEES FOR SERVICES TO ELIGIBLE INDIVIDUALS

The Board will establish fees for services to eligible individuals if such fees are required by federal regulation and by rule adopted by the Director of DODD.

2.22 SAFETY

The design and maintenance of Board program facilities and equipment shall be in conformance with all applicable laws, including the Americans with Disabilities Act and Section 504 – Rehabilitation Act of 1973 and any reauthorization of these acts by the federal government.

Each facility operated by the Board has an emergency plan located at the reception area. This plan includes provisions for dealing with fire, tornado or other severe weather, natural disasters, bomb threats, medical emergencies, power failures, emergency closing of facilities, and other emergencies.

2.23 HEALTH

All written policies and procedures concerning health shall be communicated to all personnel, persons served, parents of minor children, guardians, and residential services/supports providers upon request, and shall be available in each program facility.

The Board may require that individuals employed in certain positions or performing certain duties obtain or maintain specialized training including, but not limited to CPR, First Aid, behavior supports, and delegated nursing. The Board shall authorize the Superintendent to establish such requirements.

Each job classification shall indicate the minimum requirements for specialized training.

2.24 FOOD SERVICE

All programs providing food service shall:

- A. Have on file in the administration office, written evidence of an annual inspection of food preparation, storage, and serving areas by the local Department of Health.

- B. Have on display all required permits in keeping with state Department of Health regulations and shall employ food handlers who meet all state and local health requirements.

2.25 PROGRAM REVIEWS AND PLANS OF CORRECTION

Board is subject to oversight reviews by various governing entities. The Superintendent and management team are charged with the responsibility of participating in such reviews and are charged with the administrative authority and responsibility to take actions to assure compliance with applicable rules, laws and requirements. The Board of is ultimately responsible for such compliance. The purpose of this policy is to assure that the Board performs due diligence to review and if necessary take action to approve plans of corrections submitted to oversight entities.

The Superintendent or designated management team member shall inform the Board of any and all reviews, audits and/or investigations that are scheduled to occur or have occurred no later than at the next regularly scheduled board meeting.

The Superintendent or designated management team member shall inform the Board of the results of all such reviews at the next regularly scheduled board meeting following the receipt of any report from the review.

The Superintendent or designated management team member shall submit a copy of any required plan of correction as a result of such reviews to the Board. The Plan of Correction shall become a part of the agenda of the board meeting.

A special board meeting may be called for the purpose of reviewing a regulatory review and plan of correction if board action is required to approve the plan and if the next regularly scheduled meeting is after the deadline for submission of the plan.

Unless board action is required by the regulatory entity or unless the Superintendent requests board action to approve a plan of correction the Board is not required to take board action to approve such plans.

2.26 BOARD MEMBER RESPONSIBILITY FOR RIGHTS OF INDIVIDUALS

The Board and any boards, commissions, committees or advisory groups appointed by the Board have the responsibility to be aware of the Rights of Individuals with Developmental Disabilities and further have the responsibility to uphold those rights at all times. Specifically, all such members have the responsibility to uphold those rights of any individual served by the county board as required by appropriate federal, state, and local law, rule or policy. This includes but is not limited to maintaining confidentiality of individuals served.

The Board, through actions of the Superintendent or designee shall develop procedures to assure that each board member and appointed members of any boards, commissions,

committees or advisory groups appointed by the Board are made aware of the Rights of Individuals with Developmental Disabilities and any specific federal state and local rules and policies regarding said rights. Each member shall be required to sign a statement that he or she received the information and is aware that any violation of those rights will result in notification to the appointing authority of such violation and that the appointing authority may have cause to remove the member from the board, commission, committee, or advisory group.

This policy shall apply to any committee authorized by the Board and for which the appointing authority to the committee is the Superintendent.

2.27 ELECTRONIC AND DIGITAL SIGNATURES AS LEGALLY VALID AND ENFORCEABLE

I. POLICY:

The purpose of this policy is to accept the usage of electronic signatures and digital signatures for any and all records where applicable.

II. POLICY STATEMENT:

Electronic signature, an automated function which replaces a handwritten signature with a system generated signature statement, will be utilized for records as a means for authentication of transcribed documents, computer generated documents and/or electronic entries. System generated electronic signatures are considered legally binding as a means to identify the author of record entries and confirm that the contents are what the author intended.

Employees and providers will be allowed to utilize electronic signature and digital signature in accordance with this policy and state and federal regulations regarding such.

III. PROCEDURE:

A. SECURITY

1. Security will be maintained through proper use of user logon.
2. A computer, electronic mail account, and computer software is solely for the use of individuals for which the system has been set-up unless permission has been granted from the original individual. The original individual is responsible for the proper use of the resource, including proper password protection.
3. Specific actions to circumvent program security or internet security, knowledge of special passwords, or the covert acquisition of passwords to damage automated systems, obtain extra resources, take resources from another user, or gain access or control of any system for which proper authorization has not been granted is strictly prohibited. The use of such may result in the discipline action up to and including termination.

B. CREATING AND MAINTAINING AN ELECTRONIC SIGNATURE

1. Electronic signatures can be used wherever handwritten signatures are used except where prohibited by a specific law or rule.
2. Users of electronic signatures are required to review their entries

3. Once an entry has been signed electronically, the computer system will prevent it from being deleted or altered. If errors are later found in the entry or if information must be added, this will be done by means of addendum to the original entry. The addendum should also be signed electronically and date/time stamped by the computer software.

C. AUDITING ELECTRONIC SIGNATURE PROCUDURES

1. The computer software and anyone using the software system must use a secure, computer-generated, time-stamped audit trail that records independently the date and time of user entries, including actions that create, modify or delete electronic records. Record changes shall not obscure previously recorded information. Audit trail documentation shall be retained for a period at least as long as that required for the record and shall be made available as needed upon request. Any misuse or disregard of electronic signature policy will be reviewed and acted upon by the Superintendent.

Approved:

Board Policy, Chapter 2, Board Action #16-4, 1/21/16