



**Warren County Board of
Developmental Disabilities**

From the Desk of:
Superintendent
Megan K. Manuel

“News From Last Night” is published and distributed to each staff member following each Board Meeting.

**Warren County Board of Developmental Disabilities
Regular Board Meeting
April 27, 2026**

The Warren County Board of Developmental Disabilities met for its regular monthly meeting at 6:00 p.m. at the Administrative Offices, 42 Kings Way, Lebanon, Ohio 45036.

Consent Agenda

- Approval of the 3/23/2026 Regular Board Meeting Minutes
- Financial Report
- Resolutions

26-04-01 The Warren County Board Of Developmental Disabilities Authorizes The Superintendent To Sign The Contract With Hope Tree Consulting LLC (aka Colleen Mercuri-Johnson) for Psychological/ Educational Services.

26-04-02 Approval Of Agency Policy Revisions.

Meeting adjourned at 6:14 p.m.

The next regular monthly meeting will be held May 18, 2026, at 6:00 p.m. at the Administrative Offices, Lebanon, Ohio.



**WARREN COUNTY BOARD OF
DEVELOPMENTAL DISABILITIES
BOARD RESOLUTION**

Resolution Number: 26-04-02

Date of Resolution: 04-27-2026

Topic of Resolution: Approval Of Agency Policy Revisions.

RESOLUTION

Whereas, the Warren County Board of Developmental Disabilities has written, reviewed and updated the following policies to meet federal and state guidelines as follows:

Effective April 28, 2026

New	None	
Revised	2.07	Administrative Resolution of Complaints/Due Process
	3.00	Agency Eligibility
	3.13	Strategic Plan
	4.A.08	Investigations/Criminal Background Checks
Reviewed (no changes)	None	
Proposed for Deletion	None	

THEREFORE, BE IT RESOLVED, that the Warren County Board of Developmental Disabilities approves the above listed policies effective as stated.

Number of Board Members Present _____

Abstentions _____

In Favor _____

Opposed _____

President, Warren County Board of Developmental Disabilities



Administrative Resolution of Complaints/Due Process, 2.07

The Warren County Board of Developmental Disabilities (WCBDD), in accordance with Ohio Administrative Code (OAC) 5123-4-04 wishes to protect the rights of individuals receiving or applying to receive services by affording them access to an administrative complaint procedure and a formal due process policy and procedure. All individuals shall be informed of the availability of the administrative complaint procedure and the formal due process procedures at the time services are applied for and annually thereafter. Included in the initial and annual notification will be a statement that a representative of the WCBDD is available to assist the individual with the administrative complaint procedures.

This appeal policy for WCBDD individuals is in addition to any other rights which an individual, parent of a minor, guardian, or agency may have pursuant to the Ohio Revised Code or any other applicable state or federal law.

1. Any individual or person, other than an employee of the WCBDD, may file a complaint using the process set forth in this policy. An individual may appeal an adverse action using the process set forth in this policy. ~~The process~~ All administrative remedies -set forth in this policy ~~shall~~ must be ~~followed~~ exhausted before commencing a civil action.
2. This policy ~~shall~~ is not ~~be~~ applicable to:
 - ~~When the WCBDD is a vendor or subcontractor for service delivery.~~
 - ~~To~~ eEducation services arranged by the local education agency. Complaints or appeals concerning such services shall follow rules adopted by the Ohio ~~d~~Department of eEducation and workforce.
 - ~~To~~ sServices provided under part C of the Individuals with Disabilities Education Act, ~~34 C.F.R. 303, as in effect on the effective date of OAC 5123-4-04.~~ Complaints or appeals concerning such services shall follow rules ~~in Chapter 5123-10 of the Ohio Administrative Code adopted by the Ohio department of children and youth.~~
 - ~~To~~ Medicaid services, including home and community-based waiver services and ~~T~~targeted Case Mmanagement services. Complaints or appeals concerning such services shall follow rules adopted by the Ohio ~~D~~Department of Medicaid. The WCBDD shall not require the use of the process set forth in this rule for issues regarding Medicaid services.
 - ~~To~~ pPerformance of health-related activities and administration of medication by developmental disabilities personnel pursuant to ~~the authority granted pursuant to~~ section 5123.42 of the Ohio Revised Code or compliance with Chapter 5123-2-6 of the Administrative Code. Complaints or appeals concerning such matters shall be made to the department using the process established in rule ~~5123:2-17-01~~ 5123-11-02 of the Administrative Code.
 - ~~To~~ sServices provided to a resident of an intermediate care facility for individuals with intellectual disabilities by that facility, or provided on behalf of or through a contract with an intermediate care facility for individuals with intellectual disabilities. Complaints or appeals concerning such services shall follow regulations governing intermediate care facilities for individuals with intellectual disabilities.
3. If the WCBDD determines that a complaint or appeal of adverse action filed is not subject to this policy, the WCBDD shall provide information to the individual or person filing the complaint or appeal, including the name and telephone number, if available, of the appropriate entity with which to file the complaint or appeal the adverse action.
4. An individual receiving non-Medicaid supported living services shall follow the terms of the contract of the service provider, as required by section 5126.45 of the Revised Code, prior to beginning the process for resolution of complaints or appeals of adverse action established in this policy.

General Provisions

- 4.1. Complaints and appeals of adverse action shall be filed in writing. When an individual or person expresses dissatisfaction with an outcome subject to complaint or appeal in accordance with this policy, the WCBDD shall, to the extent necessary, assist the individual or person in filing a complaint or appeal.



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- ~~5-2.~~ At all times throughout the resolution of complaints and appeals of adverse action process, the WCBDD shall maintain the confidentiality of the identities of individuals unless an individual gives written permission to share information.
- ~~6-3.~~ An advocate may assist an individual at any time during the resolution of complaints and appeals of adverse action process.
- ~~7-4.~~ The WCBDD shall make all reasonable efforts to ensure that information regarding resolution of complaints and appeals of adverse action, including all notices and responses made pursuant to OAC 5123-4-04, is presented using language and in a format understandable to affected individuals and persons. All notices and responses made pursuant to OAC 5123-4-04 shall include an explanation of the individual's or person's opportunity to file a complaint with or appeal to a higher authority, as applicable.
- ~~8-5.~~ The ~~time line~~timelines set forth in this policy may be extended if mutually agreed upon in writing by all parties involved.
- ~~9-6.~~ Initiation of the formal process set forth in this policy does not preclude ~~the~~ resolution of a complaint or ~~an~~ appeal of an adverse action at any point, as long as the outcome is mutually agreed upon in writing by all parties involved.
- ~~7.~~ When WCBDD and an individual agree that another Ohio eligibility determination instrument or children's Ohio eligibility determination instrument will be administered, the results of the original administration of the instrument will be discarded and the process for a complaint or appeal arising from the subsequent administration or outcome of the instrument will begin anew at step one of the formal process described in this policy.
- ~~8.~~ Service of notices and responses made pursuant to this policy is deemed to have occurred upon:
 - a. For an individual or person who has selected electronic mail as the preferred method of communication, the date electronic mail was sent to the most recent electronic mail address provided by the individual or person;
 - b. Personal delivery to an individual or person; or
 - c. The date of certified mailing to an individual or person unless:
 - i. The original certified mailing is refused, in which case service is deemed to have occurred on the date the notice or response is resent by ordinary mail to the individual or person; or
 - ii. The original certified mailing is unclaimed, in which case service is deemed to have occurred on the date the notice or response is resent by ordinary mail to the individual or person unless within thirty calendar days after the date the notice or response is resent, the resent notice or response is returned for failure of delivery.

Requirements for county boards to provide information about the process for resolution of complaints and appeals of adverse action and to give notice of adverse action

1. General information about the process for resolution of complaints and appeals of adverse action.
 - a. The WCBDD shall give the "Complaint or Appeal of Adverse Action Explanation Form" contained in the appendix to OAC 5123-4-04 to an individual at the time of the individual's initial request for services, at least annually to each individual receiving or on a waiting list for non-Medicare services, and at the time a complaint within the scope of OAC 5123-4-04 is received or the WCBDD proposes an adverse action. ~~Upon request, the WCBDD shall provide a copy of OAC 5123-4-04. WCBDD will maintain documentation confirming the individual received the "Complaint or Appeal of Adverse Action Explanation Form" as required by this paragraph, including evidence of the date the individual received the form.~~
 - b. Upon request, WCBDD or contracting entity shall provide a copy of this policy.
 - ~~10-c.~~ WCBDD shall publicly post the "Complaint of Appeal of Adverse Action Explanation Form" contained in the appendix of OAC 5123-4-04
2. Specific notice of adverse action.
 - ~~11.~~ The WCBDD shall publicly post the "Complaint or Appeal of Adverse Action Explanation Form".



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~~12~~.a. Except when it is necessary to suspend an individual's services without delay to ensure the health and safety of the individual or other individuals in accordance with paragraph (E)(3) of OAC 5123-4-04, the WCBDD shall provide written notice to the affected individual of the WCBDD's decision to deny, reduce, suspend, or terminate services at least fifteen calendar days prior to the effective date of such action. The notice shall include:

- An explanation of the WCBDD's policy and/or authority for taking the adverse action;
- A description of the specific adverse action being proposed or initiated by the WCBDD;
- The effective date for the adverse action;
- 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 and how the assessment results or documents specifically support the WCBDD county board's decision to deny, reduce, suspend, or terminate services;
- An explanation of the individual's right to appeal the adverse action;
- An explanation of the steps the individual must take to appeal the adverse action;
- A statement that the individual has ninety calendar days to appeal the adverse action;
- A statement that the individual must file his or her appeal prior to the effective date of the adverse action to keep his or her services in place during the appeal process;
- The name and contact information for the staff member of the WCBDD who can assist the individual with his or her appeal; and
- The "Complaint or Appeal of Adverse Action Explanation Form" contained in the appendix of OAC 5123-4-04

• b. The WCBDD shall retain written evidence of the date the notice is personally delivered or sent by certified mail to the individual or for an individual who has selected email as his or her preferred method of communication, the date of electronic confirmation that the individual has read the email.

3. Specific notice of adverse action when it is necessary to suspend an individual's services without delay to ensure the health and safety of the individual or other individuals.

a. -When it is necessary to suspend an individual's services without delay to ensure the health and safety of the individual or other individuals, the WCBDD shall:

i. determine what immediate steps are necessary to ensure the health and safety of the individual and other individuals and;

ii. provide written notice to the affected individual immediately. The notice shall include:

~~13.~~ An

1. ~~An~~ explanation of the WCBDD's policy and/or authority for suspending the individual's ~~services;~~ services.

•

2. A description of the specific services being suspended;

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3. The effective date for the suspension of services;

•

4. 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;

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5. An explanation that the WCBDD shall arrange for appropriate alternative services and a description of the specific alternative services available to the individual;

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6. An explanation of the steps the WCBDD shall take in accordance with paragraphs (E)(3)(c) and (E)(3)(d) of OAC 5123-4-04;

7. The name and contact information for the staff member of the WCBDD who can answer questions about the suspension of services; and

8. The "Complaint or Appeal of Adverse Action Explanation Form" contained in the appendix of OAC 5123-4-04

a-b. The WCBDD shall maintain a copy of the notice and written evidence that the notice was provided to the affected individual.

b-c. Within five calendar days of the notice of suspension of services, the WCBDD shall convene a team meeting to identify measures that may be implemented to eliminate the circumstances that jeopardize the health and safety of the individual or other individuals.

e-d. Within five calendar days of the team meeting, the WCBDD shall:

- i. With the ~~of the date the notice is personally delivered or sent by certified mail to the individual or for an individual who has selected email as his or her preferred method of communication, the date of electronic confirmation that the individual~~ consent of the individual, implement measures to eliminate the circumstances that jeopardize the health and safety of the individual or other individuals as necessary and restore the suspended services; or
- ii. With the consent of the individual, continue to arrange for appropriate alternative services; or
- iii. ~~pro~~vide written notice to the individual of the WCBDD's decision to terminate the individual's services 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 WCBDD shall keep the individual's alternative services in place until the appeal process is completed.

~~175.~~ Informal process for resolution of complaints and appeals of adverse action

a. The WCBDD has adopted procedure, AGP-2.08, as an informal process that takes no longer than thirty calendar days for the resolution of complaints and appeals of adverse action. ~~with complainants or individuals.~~

a. The informal process shall not be used in a manner that discourages individuals or persons from exercising their legal rights under the formal process set forth in this policy, nor unnecessarily delays the resolution of a matter beyond the timeline of the formal process.

b. An individual or person and the WCBDD ~~county board~~ may mutually agree to waive the informal process and initiate the formal process.

~~6.18.~~ Formal process for resolution of complaints and appeals of adverse action

Step one: filing a complaint or appeal of adverse action with the division director responsible for the program, service, policy, or administrative practice of the WCBDD ~~county board~~.

- a. An individual or person must file a complaint in writing an appeal of adverse action with the WCBDD Division Director ~~Division Director~~ responsible for the program, service, policy, or administrative practice that is subject of the complaint within ninety calendar days of notice of the adverse action or within ninety calendar days of conclusion of the informal process ~~for resolution of complaints and appeals of adverse action~~ described in this policy. If the individual appeals an adverse action within the prior notice period (i.e., the period of time between notice of the intended adverse action and the effective date of the adverse action), the individual's services shall not be reduced, suspended, or terminated until the appeal process is completed or the appeal is withdrawn by the individual. An individual who appeals during the prior notice period may voluntarily consent in writing to the reduction,



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suspension, or termination of services during the appeal process.

a-b. ~~The WCBDD division director will notify the superintendent (or superintendent's designee) that a complaint or appeal has been filed within two working days of receipt of the complaint or appeal.~~

c. ~~The responsible WCBDD division director shall conduct an investigation of the complaint or appeal which shall include meeting with the individual or person who filed the complaint or appeal and gathering and analyzing information related to the complaint or appeal.~~

i. ~~When the complaint or appeal is related to the WCBDD county board's determination that an individual does not have a qualifying diagnosis use to establish a "developmental disability" as defined in section 5126.01 of the Ohio Revised Code, and the individual claims to have a diagnosis that if confirmed would constitute a qualifying diagnosis, the WCBDD county board will consult with a qualified medical professional selected by WCBDD at WCBDD's expense.~~

ii. ~~When the complaint or appeal is related to the administration or outcome of the Ohio eligibility determination instrument or the children's Ohio eligibility determination instrument, the division director will convene a committee of no less than three persons. The committee will review and ensure the WCBDD conducted the eligibility determination in accordance with rule 5123-4-01 of the Ohio Administrative Code and the "Children's Ohio Eligibility Determination Instrument and Ohio Eligibility Determination Instrument User Guide" (available at dodd.ohio.gov). At least two of the committee members reviewing the complaint or appeal must have successfully completed the department provided training in administration of the instruments.~~

b-d. ~~Within fifteen-thirty calendar days of receipt of the complaint or appeal, the responsible WCBDD division director shall provide issue, and thereafter be available to discuss, a written report and decision with the individual or person who filed the complaint or appeal. The written report and decision shall will be reviewed and signed by the WCBDD superintendent (or superintendent's designee) prior to being issued to the individual or person who filed the complaint or appeal. The written report and decision will include the rationale for the decision and a description of the next step in the process if the individual or person is not satisfied with the decision of the division director. When the complaint or appeal is denied, the written report and decision will include a justification that clearly demonstrates how the decision complies with applicable rules and is based on accurate and current information. WCBDD will maintain a copy of the written report and decision and written evidence that the written report and decision was issued to the affected individual or person.~~

• Step two: Filing a complaint or appeal of adverse action with the WCBDD board president.

o ~~If the individual or person filing the complaint or appeal of adverse action is not satisfied with the outcome of step one of this policy, the individual or person may file a complaint or appeal with the WCBDD Superintendent board president.~~

o ~~The individual or person must file the complaint or appeal of adverse action in writing with the WCBDD board president. The complaint or appeal of adverse action must be filed with the WCBDD Superintendent within ten calendar days of notice of the decision of the responsible WCBDD division director which has been reviewed and signed by the WCBDD superintendent or designee.~~

o ~~The WCBDD board president shall ensure a hearing is conducted within twenty calendar days of receipt of the complaint or appeal at a time and place convenient to all parties. At such hearing: If no decision is provided by the responsible WCBDD Division Director within fifteen calendar days, the complaint or appeal of adverse action must be filed with the WCBDD Superintendent within twenty-five calendar days of filing the complaint or appeal with the responsible WCBDD Division Director.~~

▪ ~~The full WCBDD county board may hear the complaint or appeal;~~

▪ ~~a committee of two or more WCBDD county board members appointed by the WCBDD board president with agreement of the WCBDD county board, may hear the complaint or appeal. The~~



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- committee shall issue a report and recommendation to the WCBDD county board within ten calendar days of the conclusion of the hearing; or
- a hearing officer appointed by the WCBDD board president may hear the complaint or appeal. The hearing officer shall have the same powers and authority in conducting the hearings as granted to WCBDD. The hearing officer shall not be an employee or contracting entity of the WCBDD county board providing any service other than that of hearing officer. The hearing officer need not be an attorney, but must possess qualifications to be able to make neutral and informed decisions about the complaint or appeal. The WCBDD board president may ask the department to decide if a person is qualified to be a hearing officer. The hearing officer shall issue a report and recommendation to the WCBDD county board within ten calendar days of the conclusion of the hearing.
 - When the full WCBDD committee or two or more WCBDD county board members appointed by the WCBDD board president hears the complaint or appeal, members of WCBDD board will preside over the hearing. Participation of the superintendent and staff of the WCBDD county board will be limited to the presentation of evidence at their allotted time.
 - The WCBDD board president shall ensure the individual or person filing the complaint or appeal has access to all records and materials related to the complaint or appeal no less than ten calendar days before the hearing.
 - To the extent permitted by law, the hearing shall be private unless the individual or person requesting the hearing wants the hearing open to the public.
 - During the hearing, both parties may present evidence to support their positions.
 - The individual or person requesting the hearing and WCBDD have the right to be represented by an attorney.
 - The individual or person requesting the hearing has the right to have in attendance at the hearing and question any official, employee, or agent of WCBDD who may have evidence upon which the complaint or appeal is based. The president of the WCBDD county board will inform the individual of this right in writing upon receipt of the notice of appeal.
 - The WCBDD board president shall ensure the hearing is recorded by electronic transcription, stenographic means, or by use of an audio recorder at the option of WCBDD. The record shall be made at the expense of WCBDD. Upon request, WCBDD shall provide at no cost, one copy of an accurate written transcript to the individual or person requesting the hearing.
 - In making its decision, WCBDD may:
 - Request a presentation in writing and/or in person from each party; or
 - take other action necessary to make a determination.
 - When the WCBDD board president appoints a committee of two or more WCBDD county board members or a hearing officer to hear the complaint or appeal, WCBDD board must review and formally accept, reject, or modify the resulting report and recommendation.
 - Within thirty calendar days of conclusion of the WCBDD board hearing or the WCBDD board receipt of the report and recommendation from the WCBDD appointed committee or a hearing officer, the WCBDD board president or the president's designee shall provide notice of the WCBDD board's decision to the individual or person who requested the hearing. The notice shall include the rationale for the decision and a description of the next step in the process if the individual or person is not satisfied with the decision of WCBDD board. If the matter was heard by a WCBDD appointed committee or a hearing officer, the notice must explicitly state whether the WCBDD county board accepted, rejected, or modified the resulting report and recommendation. The notice must specifically identify how evidence presented at the hearing was considered and how WCBDD board's final position aligned with the Ohio Administrative Code. If the decision deviated from a hearing officer's recommendation, the rationale for deviation will be documented in detail. WCBDD will maintain a copy of the notice and written evidence that the notice was



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provided to the affected individual or person.

- ~~The WCBDD Superintendent or designee shall, within ten calendar days of receipt of the complaint or appeal, meet with the individual or person and conduct an administrative review.~~
- ~~As part of the administrative review, the WCBDD Superintendent or designee may ask questions to clarify and review the circumstances and facts related to the responsible WCBDD Division Director's decision and shall provide the individual or person the opportunity to present reasons why the decision should be reconsidered.~~
- ~~Within fifteen calendar days of receipt of the complaint or appeal, the WCBDD Superintendent or designee shall send by certified mail, a copy of their decision to the individual or person who submitted the complaint or appeal. Such decision shall include the rationale for the decision and a description of the next step in the process if the individual or person is not satisfied with the decision of the WCBDD Superintendent or designee.~~

- Step three: filing a complaint or appeal of adverse action with the state Department of Developmental Disabilities (DODD) director.

- If the individual or person filing the complaint or appeal of adverse action is not satisfied with the outcome of step two of this policy, the individual or person may file a complaint or appeal with the ~~WCBDD Board President, DODD director.~~
- The individual or person must file the complaint or appeal of adverse action in writing with the DODD director within fifteen calendar days of notice of the decision of the county board.
- The DODD director shall send a copy of the complaint or appeal of adverse action to the WCBDD superintendent and board president.
- The WCBDD president or the president's designee shall send the DODD director a complete record of the complaint or appeal withing fifteen calendar days.
 - A complete record includes any written determinations provided to the individual, an accurate written transcript of the WCBDD hearing, copies of any exhibits, and a copy of the WCBDD's decision.
 - When the complaint or appeal is related to eligibility determination, the complete record also includes the "Children's/Ohio Eligibility Determination Instrument" and answer sheets.
- Upon request by an affected party or the DODD director's initiation, the DODD director may:
 - Request or consider additional information with notice of all affected parties;
 - request a presentation in writing and/or in person from each party; or
 - take other action necessary to make a determination.
- Within forty-five calendar days of receipt of a complete record or the complaint or appeal in accordance with this OAC 5123-4-04, the DODD director shall provide notice with a copy of the DODD director's decision to all affected parties. The DODD director's decision shall include the rationale for the decision.
 - The DODD director will uphold the decision of WCBDD if the DODD director determines the ~~WCBDDcounty board~~ provided notice and conducted the appeal in accordance with the process set forth in the this policy and when applicable, the decision is in accordance with the "Children's Ohio Eligibility Determination Instrument and Ohio Eligibility Determination Instrument User Guide" and the "Life Activity Areas User Guide."
 - The DODD director may remand a complaint or appeal back to the ~~WCBDDcounty board~~ if the DODD director determines the ~~WCBDDcounty board~~ failed to comply with the process set forth in this policy or the "Children's Ohio Eligibility Determination Instrument and Ohio Eligibility Determination Instrument User Guide"
 - The remand order may instruct the ~~WCBDDcounty board~~ to:
 - Re-administer the Ohio eligibility determination instrument or children's Ohio



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wants it open to the public.

- ~~During the hearing, both parties may present evidence to support their positions.~~
- ~~The individual or person requesting the hearing and the WCBDD have the right to be represented by an attorney.~~
- ~~The individual or person requesting the hearing shall have the right to have in attendance at the hearing and question any official, employee, or agent of the WCBDD who may have evidence upon which the complaint or appeal is based.~~
- ~~Evidence presented at the hearings shall be recorded by stenographic means or by use of an audio recorder at the option of the WCBDD. The record shall be made at the expense of the WCBDD and, upon request, one copy of a written transcript shall be provided, at no cost, to the individual or person requesting the hearing.~~
- ~~In making its decision, the WCBDD 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.~~
- ~~Within fifteen calendar days of conclusion of the WCBDD hearing or the WCBDD's receipt of the report and recommendation from a WCBDD-appointed committee or a hearing officer, the WCBDD Board President or designee shall send by certified mail, a copy of the WCBDD's decision to the individual or person who requested the hearing. Such decision shall include the rationale for the decision and a description of the next step in the process if the individual or person is not satisfied with the decision of the WCBDD.~~
- ~~**Step four:** If the individual filing the complaint or appeal of adverse action is not satisfied with the outcome of step three of this policy, the individual may file a complaint or appeal with the Director of DODD.~~
- ~~The complaint or appeal of adverse action must be filed with the Director of DODD within fifteen calendar days of notice of the decision of the WCBDD. If no decision is provided by the WCBDD Board President within fifteen calendar days, the complaint or appeal of adverse action must be filed with the Director of DODD within fifty five calendar days of filing the complaint with the Board President of the WCBDD.~~
- ~~The Director of DODD shall send a copy of the complaint or appeal of adverse action to the WCBDD Superintendent and the WCBDD Board President.~~
- ~~The WCBDD Board President or designee shall send the Director of DODD the written transcript of the WCBDD hearing, copies of any exhibits, and a copy of the WCBDD's decision within fifteen calendar days of receiving the copy of the complaint or appeal of adverse action from the Director of DODD.~~
- ~~Upon request by an affected party or at the Director of DODD's initiation, the Director of DODD 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.~~
- ~~Within thirty calendar days of receipt of the written transcript of the WCBDD hearing, copies of any exhibits, and a copy of the WCBDD's decision from the WCBDD Board President, the Director of DODD shall send by certified mail, a copy of his or her decision to all affected parties. The Director of DODD shall uphold the decision of the WCBDD if the director determines that the decision is in accordance with applicable statute and administrative rule. The Director of DODD's decision shall include the rationale for the decision.~~
- **Other Remedies:** After exhausting the administrative remedies required by this policy and OAC 5123-4-04, an individual or person may commence a civil action if the complaint or appeal of adverse action is not resolved to ~~his or her satisfaction~~ the satisfaction of the individual or person. This policy and OAC 5123-4-04 is not intended to provide any right or cause of action that does not exist absent OAC 5123-4-04.



Warren County Board of DD Agency Policy

Agency Eligibility, 3.00

- A. All requests for services provided by the Warren County Board of Developmental Disabilities (WCBDD), other than Early Intervention, will be initiated through the Support Services Division. Before services can begin, the person's eligibility for services must be determined; if eligible, the person will be referred to the programs or services requested; and the person will be enrolled for services or will be placed on a waiting list for that program or service. Eligibility for educational services is determined separately from eligibility for other DD services and is based on Ohio ~~Department of Education~~ department of education and workforce standards.
- B. To be eligible to receive services through the WCBDD, one must live in Warren County and meet eligibility criteria for his/her age group or be "grandfathered" for DD services. ("Grandfathering" refers to all individuals who were eligible for county board services and receiving county board services pursuant to Chapter 5126 of the Ohio Revised Code on July 1, 1991. These individuals shall continue to be eligible for those services and shall continue to receive services as long as they are in need of services.)
1. The WCBDD shall provide services and supports to children less than three years of age with developmental delays or disabilities and their families. To be eligible for Early Intervention services and supports provided by the WCBDD, an infant or toddler shall:
 - a. Have a developmental delay in one or more of the following areas, as measured by a research-based developmental evaluation tool or informed clinical opinion as defined by Ohio rule:
 - i. Cognitive development,
 - ii. Physical development, including vision, hearing or nutrition,
 - iii. Communication development,
 - iv. Social or emotional development,
 - v. Adaptive development (self-help); or
 - b. Have a diagnosed physical or medical condition that has a high probability of resulting in a developmental delay or disability via the state diagnosed conditions list or state physician completed form; or
 - c. Have already been determined Part C eligible with current evaluation and assessment tool within state guidelines.
 2. For children ages three to six years old, at least two developmental delays must be evident. This may be determined by the child's local school district utilizing a Multi-Factored Evaluation (MFE) or Team Report that would establish these delays.
 3. For children ages six to sixteen, a diagnosis for a developmental disability must be made prior to referral for DD services. After documentation of this developmental disability is received, the Intake Specialist will complete the Children's Ohio Eligibility Determination Instrument (COEDI). If the results of this instrument indicate that the child has at least three areas of substantial functional limitation in the areas of self-care, receptive and expressive language, learning, mobility, self-direction, and/or capacity for independent living, then the child is eligible for DD services. (Based on DODD standards.)
 4. For individuals age 16 and older, a diagnosis of a developmental disability must be documented prior to referral for DD services. After documentation of this developmental disability is received, the Intake Specialist will complete the Ohio Eligibility Determination Instrument (OEDI). If the results of this instrument indicate that the individual has at least three areas of substantial functional limitation in the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and/or capacity for economic self-sufficiency, then the individual is eligible for DD services. (Based on DODD standards).
 5. A developmental disability means a severe, chronic disability that is characterized by all of the following:



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Agency Eligibility, 3.00

- a. It is attributable to a mental or physical impairment or combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of Section 5122.01 of the Ohio Revised Code (ORC);
 - b. It is manifested before the age of twenty-two;
 - c. It is likely to continue indefinitely.
 - d. It results in one of the following:
 - i. In the case of a person under age three, at least one developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay;
 - ii. In the case of a person at least age three but under six, at least two developmental delays;
 - iii. In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his or her age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.
 - e. It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.
6. Eligibility determination ~~shall will~~ be completed within forty-five calendar days of the request for services or ~~after receipt of~~ all necessary information ~~has been received and documents~~ from the referring party or applicant, ~~except that unless extenuating~~ circumstances related to the individual prevent completion within forty-five calendar days. WCBDD will document extenuating circumstances that delay completion of eligibility determination.
- ~~a. For children under age three, the eligibility report completed by or for Early Intervention shall be used for eligibility determination; and~~
- ~~b. For children three but under six, the evaluation completed by or for the school district for preschool special education may be used for eligibility determination.~~
7. Upon completion of eligibility determination, individuals applying for services are notified in writing of the results of this determination. If the person is determined eligible, the Intake Specialist or Developmental Specialist will make requested services referrals. If the person is determined ineligible, he/she will be provided information on Administrative Resolution of Complaints rights and procedures and will be given information on other services he/she might benefit from accessing. An ineligible person, with their consent, will be referred to other agencies or sources of services.



Warren County Board of DD Agency Policy

Strategic Plan, 3.13

- A. The Warren County Board of Developmental Disabilities (WCBDD) shall develop and adopt by resolution a strategic plan that meets the requirements of sections [5126.04](#) and [5126.054](#) of the Ohio Revised Code, includes the WCBDD's mission and vision, and addresses the WCBDD's strategy for:
- (a) Promoting ~~self~~-advocacy ~~for and~~ by individuals served by the WCBDD ~~through the person-centered planning process, activities, and community connections~~;
 - (b) Ensuring that individuals receive services in the most integrated setting appropriate to their needs;
 - (c) Reducing the number of individuals in Warren County waiting for services;
 - ~~(e)(d)~~ ~~_____ Planning and setting priorities based on available resources to meet the need of children and adults with developmental disabilities residing in Warren County.~~
 - ~~(d)(e)~~ ~~_____ Increasing the number of individuals of working age engaged in _____community employmentcompetitive integrated employment;~~
 - (f) Taking measures to recruit ~~and sustain a~~ sufficient ~~number of~~ providers of services to meet the needs of individuals receiving services in Warren County; and
 - ~~(e)(g)~~ ~~_____ Identifying and addressing gaps noted in services.~~
 - ~~(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 WCBDD.~~
- B. The strategic plan ~~shall~~will be made readily available to individuals and families who receive services, employees of the WCBDD, citizens of Warren County, and ~~any other interested persons~~anyone else who requests a copy.
- C. The WCBDD ~~shall~~will prepare a strategic plan progress report at least once per year. The strategic plan progress report ~~shall~~will be made readily available to individuals and families who receive services, employees of the WCBDD, citizens of Warren County, and ~~any other interested persons~~anyone else who requests a copy.
- D. The WCBDD ~~shall~~will ~~distribute Strategic Plan Stakeholder surveys to obtain public feedback during the development of the strategic plan~~have a mechanism for accepting public feedback regarding the strategic plan and strategic plan progress report.
- E. ~~Agency Satisfaction surveys will be distributed on an annual basis to measure the level of satisfaction with WCBDD services. Results of the surveys will be utilized to receive feedback regarding strategic plan progress reports.~~



Warren County Board of DD Personnel Policy

Investigations/Criminal Background Checks, 4.A.08

- A. All applicants for employment with the Warren County Board of Developmental Disabilities (WCBDD) shall undergo an initial background check in order to determine the fitness of the applicant to provide services to individuals or perform other duties for the WCBDD. This background check shall include, but not be limited to, a request for information regarding any prior criminal convictions or pleas of guilty by the applicant. Regarding this criminal records check, "Applicant" includes anyone under final consideration for employment and includes an employee who is being considered for a different position with the WCBDD. Staff members already employed by WCBDD may also be subject to additional periodic criminal background checks as required by law. The results of the background investigation may affect employment. An employee returning from a leave of absence or seasonal break in employment is not an "applicant" unless the Superintendent has a reason to believe the employee may have committed an offense under O.R.C. 5123.081.
- B. Applicants shall be required to sign the Authorization for Release of Information (as printed on the WCBDD's employment application form) from his/her present or previous employer(s) and for release of information regarding any criminal convictions from law enforcement agencies in any community in which the applicant has resided, the Bureau of Criminal Identification and Investigation (BCII) and any other state or federal agency. In addition, the WCBDD shall request the registrar of motor vehicles to supply an abstract regarding the record of convictions for violations of motor vehicle laws of each applicant.
- C. WCBDD shall complete the fingerprinting process and forward the electronic fingerprint impressions and/or card to the BCII and ~~or, if applicant has not lived in the State of Ohio for the past five (5) years,~~ to the Federal Bureau of Investigation ([FBI](#)).
- D. WCBDD shall obtain from the applicant an ~~notarized~~ affidavit with signature attesting that he/she has not been convicted of or pled guilty to any of the offenses listed in Ohio Administrative Code 5123-2-02. These offenses shall be reviewed with the applicant before his/her signing of the affidavit. An applicant's refusal to be fingerprinted or to sign the ~~notarized~~ affidavit shall result in no further consideration of his/her application.
- E. Prior to employing an applicant, WCBDD shall check each of the following databases to determine if the applicant is included:
1. The list of excluded persons and entities maintained by the office of inspector general in the United States Department of Health and Human Services pursuant to section 1128 of the Social Security Act, 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, and section 1156 of the Social Security Act, 96 Stat. 388 (1982), 42 U.S.C. 1320c-5 (available at <http://exclusions.oig.hhs.gov/>);
 2. The abuser registry established pursuant to section 5123.52 of the Ohio Revised Code (available at https://its.prodapps.dodd.ohio.gov/abr_default.aspx);
 3. The nurse aide registry established pursuant to section 3721.32 of the Ohio Revised Code (available at https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx) and there is a statement detailing findings by the Director of the Ohio Department of Health that the applicant or employee neglected or abused a resident of a long-term care facility or residential care facility or misappropriated property of such a resident;
 4. The sex offender and child-victim offender database established pursuant to division (A)(11) of section 2950.13 of the Ohio Revised Code (available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>);
 5. The United States general services administration system for award management database (available at <https://www.sam.gov/>);
 6. The Ohio Department of Medicaid provider exclusion and suspension list (available at <https://medicaid.ohio.gov/provider/enrollmentandsupport/providerexclusionandsuspensionlist>); and



Warren County Board of DD Personnel Policy

Investigations/Criminal Background Checks, 4.A.08

7. The database of incarcerated and supervised offenders established pursuant to section 5120.066 of the Ohio Revised Code (available at <https://appgateway.drc.ohio.gov/offendersearch>).
 8. Any other database that is subsequently required.
- F. WCBDD shall review the findings of the background investigations and consider them along with other factors in the decision to recommend employment of the applicant to the Superintendent.
1. An applicant shall not be appointed to fill a position in either the classified or unclassified service of the WCBDD if the background investigation reveals information that the applicant has a record of conviction/s, ~~or~~ plea/s or the applicant discloses he/she has completed a diversion program in lieu of conviction of any offense listed in Ohio Administrative Code 5123-2-02 which prevents the WCBDD from employing the person. If the investigation turns up convictions that are not listed on the application, the candidate will not be considered for employment.
 2. An applicant shall not be appointed to fill a position if the person is included in one or more of the databases listed in section (E) above.
 3. Applicants shall not be appointed to fill positions whose background investigations indicate that the person would increase the likelihood that the WCBDD would incur/increase liability, by his or her employment.
- G. Confidentiality of Background Reports: Criminal Background Reports are not public records for purposes of O.R.C. 149.43 and shall not be made available to any person except the applicant, Board member, and staff responsible for employment, or a hearing officer or other individuals or agencies in an investigatory, judicial or quasi-judicial capacity. BCII reports, FBI reports, and other criminal background information from any other local, state or federal agencies will not be maintained in the staff personnel file, but in a separate file in the Human Resources Office.
- H. Additional Criminal Records Checks Required by Law: Staff employed by the WCBDD may be subject to additional and periodic criminal background checks as required by Ohio law or administrative rule for their position and/or to renew a license, certificate or registration.
- I. WCBDD may provide finger-print services to allow for a criminal records check for providers. A fee may be charged for the costs incurred in obtaining a criminal records check. All payments must be made in advance, and payments must be in the form of cash. The WCBDD maintains the right to cease providing this service.