

## Independent Provider -vs- Agency Employee

So your thinking about becoming a direct support professional and supporting people with developmental disabilities. In Ohio direct support professional or DSP is a term that is used to describe both an independent provider and an employee of an agency provider who provides direct care services to individuals.

We are frequently asked “What is the difference?” between the two. The attached crosswalk is meant to help answer that question and help you decide which is right for you as you start your career in the developmental disabilities field.

If you have additional questions, please feel free to contact the local county board of developmental disabilities in the county in which you want to provide services, or contact the Ohio Department of Developmental Disabilities Provider Resources and Support Team. Contact information for the team can be found on the DODD website on the [Provider Resources and Support Page](#).

## **Definitions:**

**“IP” or “Independent Provider”**- a self-employed person who provides services for which he or she must be certified under rules adopted by the department and who does not employ, either directly or through contract, anyone else to provide the services.

**“Agency Provider”**- an entity that must be certified by the department to provide supported living services in accordance with section 5123.161 of the Revised Code.

**“DSP” or “Direct Support Professional”** - a person who is employed in a "direct services position" as that term is defined in section 5123.081 of the Revised Code.

**“Free Choice of Provider”**- An individual has the right to choose who they want as a provider. The individual can choose to receive services from a different provider at any time. The individual may choose agency providers, independent providers, or a combination of agency providers and independent providers.

**“Willing and Able Provider”**- “Willing” (in agreement to serve based on individual’s needs outlined in the person’s ISP) “Able”- certified and have the means to provide quality service based on the individual’s needs outlined in the ISP)

**“Initial Training”**- Certification training for independent providers and direct support professionals are available by role in DODD MyLearning. The initial courses are for independent providers who are applying for certification for the first-time, or for employees of an agency who receive the training by their employer prior to hire.

**“Annual Training”**- training required each calendar year for DSP’s and Independent Providers. Provider agencies also ensure that their direct support professional staff complete annual training as required by applicable rules.

## **Applicable Rules:**

5123-2-08 - Provider certification - agency providers

5123-2-08 – Appendix C

5123-2-09 - Provider certification - independent providers

5123-2-09 – Appendix A

	<b>Independent Provider</b>	<b>Agency DSP</b>
<b>Getting started</b>	You are responsible for getting Fingerprinting at Webcheck- you pay fee and set up on own.	Agency provider is responsible for making sure that employees are fingerprinted. There may or may not be a fee to the employee.
	You must register for a Supplier ID number from Ohio Shared Services (OSS) to get paid for the services you provide.	You do not need a Supplier ID number
	You are required to obtain a National Provider Identifier (NPI) Number through Ohio Medicaid	You do not need to apply for a NPI Number
<b>Education</b>	Independent providers must have a high school diploma or GED	*DODD will <i>temporarily waive</i> the requirement that DSPs must have a high school diploma or GED, through September 30, 2022. There are specific services that you cannot provide under this provision.
<b>Age</b>	Independent providers must be at least 18 years old.	*DODD is allowing the <i>temporary</i> use of direct support assistants. People aged 16 and 17 can be hired to perform more limited duties as direct support assistants.
<b>CPR/First Aid</b>	You are required to get CPR and First Aid certification – you pay fee and set up on your own	You are required to get CPR and First Aid certification. CPR and First Aid may be available through the Agency at no cost
<b>Certification process</b>	You are the applicant and must submit required documents for certification. An independent provider is prohibited from providing any supportive living service until certification is obtained from DODD.	Agency goes through certification process; you go through hiring process. There is nothing for you as an employee to submit to DODD for certification. May be able to start work quicker if being hired as DSP at Agency once you have completed all required initial training and agency required trainings. An agency is prohibited from providing any supportive living service until certification is obtained from DODD.
	You are responsible for paying the application fee of \$125.00.	The agency is responsible for applying for certification and pays the application fee.
	You are required to keep track of expiration dates and recertification deadlines	Agency is responsible for keeping documentation of DSP annual renewal dates to ensure compliance.
<b>Training</b>	You are responsible for completing the initial and annual training.	Agency ensures you complete all required trainings, initially and annually. The agency may provide this training.
<b>Employment</b>	You are self- employed	You are employed by an agency
<b>Tax Responsibility</b>	Self-Employment Tax Rules apply. You will need to seek tax preparation or legal advice	Generally, agencies provide you with a W-2 with wage information to be used for tax purposes – and you need to seek tax preparation or legal advice
<b>Compensation</b>	Rates are set in Ohio Administrative Code, depending on the services delivered. You	Benefits available and vary by agency. You may be paid for hours spent training

	are only paid for delivering services. You are not compensated for time billing or training	
<b>Benefits</b>	No benefits are provided because you are an independent contractor.	Benefits are available dependent upon agency (Holiday pay, holiday bonus or incentives) You could be eligible for medical insurance, dental insurance, optical insurance, life Insurance, etc.
<b>Individuals served</b>	Individual chooses you through <i>Free Choice of Provider</i> process and you decide if you are a willing/able provider	Individual chooses provider agency through Free Choice of Provider process and then may also be involved in deciding which DSPs work directly with them. You get assigned by your employer.
<b>Hours/shifts</b>	You may have more flexibility in scheduling but will be determined by individual receiving services.	Your employer will establish your work schedule and you may be able to give your preferred days and hours to your employer.
	You are not mandated to work	May be mandated. May have to work other sites that agency owns- other homes or day programs when in need.
	If you are sick and cannot cover shift, it is your responsibility to contact your back-up support	The agency is responsible to covering your shift with an alternative employee.
<b>Insurance</b>	You may have to hold liability insurance or vehicle insurance based on which services you provide.	Agency will typically cover all necessary insurances.
<b>Transportation</b>	You use your own vehicle	You may have access to an agency vehicle for use
<b>Vehicle Insurance</b>	You must be insured	Agency will ensure that the driver has liability insurance.
<b>Billing</b>	You are responsible for submitting billing. The county board may be able to provide billing templates, examples and assistance. You may choose to hire a billing agent.	Agencies submit billing.
<b>Support</b>	You have access to the SSA, Provider Support Staff at the county board and the on-call system.	Agency may have a system of support that includes front-line managers, supervisory staff, administrators, and other DSP supports.
<b>Compliance</b>	You will undergo a compliance review and be responsible for meeting rule requirements	Your agency employer will go through a compliance review and will be responsible for meeting rule requirements.