

Review of Direct Services Contracts

Delaware County Board of Developmental Disabilities

Board Resolution #	Effective Date	Board Review Date
17-02-20	February 17, 2017	February 16, 2017

Purpose:

To establish the review of all direct services contracts by the Delaware County Board of Developmental Disabilities (“Board”) as Ethics Council (“council”).

Definitions:

“Direct services contract” means any legally enforceable agreement with a consumer, agency, or other entity that, pursuant to its terms or operation, may result in a payment from the Board to a consumer or to a member of the immediate family of a consumer for services rendered to the consumer. Direct services contract includes a contract for supported living pursuant to the Ohio Revised Code, family support services under the Ohio Revised Code, and reimbursement for transportation expenses.

“Family” means parent(s), brother(s), sister(s), spouse, son(s), daughter(s), grandparent(s), aunt(s), uncle(s), cousin(s), or guardian(s) of the consumer. Family also means person(s) acting in a role similar to those specified even though no legal or blood relationship exists if the consumer lives with the person(s) and is dependent on him or her to the extent that if the supports were withdrawn another living arrangement would have to be found.

"Former board member" means a person whose service on the Board ended less than one year prior to commencement of services under a direct services contract.

"Former employee" means a person whose employment by the Board ended less than one year prior to commencement of services under a direct services contract.

“Guardian” means the court appointed guardian of the person of a minor or an adult. If no guardian of the person has been appointed for a minor, guardian means either parent of a minor unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case guardian means the parent who is the residential parent and legal custodian of the minor. If no guardian of the person has been appointed for a minor and the minor is in the legal or permanent custody of a person or government agency, guardian means that person or government agency

Policy:

- A. The Board does not enter into a direct services contract unless the contract is limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the Board.
- B. The Board does not enter into a direct services contract that would result in payment to a board member, former board member, employee, former employee, or member of the immediate family of a board member, former board member, employee, former employee if the person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other eligible persons.
- C. The Board does not enter into a direct services contract for services that result in the employment of an individual who is also an employee of that Board unless all of the following conditions are met:
 - 1. The employee is not in a capacity to influence the award of the contract.
 - 2. The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity.
 - 3. The employee is not employed in a management level two or three position and does not provide Service and Support Administration.
 - 4. The employee is not employed by the Board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
 - 5. The employee has not taken any actions that create the need for the services to be provided under the contract.
 - 6. The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.