

DEPARTMENT OF LABOR & INDUSTRY  
**OFFICE OF VOCATIONAL REHABILITATION**

**PROGRAM POLICIES & GUIDELINES**

**NUMBER:** 16-100.02

**SUBJECT:** Provider Agreement Policy and Procedures

**STATE BOARD APPROVAL DATE:** December 13, 2012

**DISTRIBUTION:** OVR Staff  
OVR Legal Counsel  
Pennsylvania State Board of Vocational Rehabilitation  
Pennsylvania State Rehabilitation Council  
Client Assistance Program  
Statewide Independent Living Council  
Advisory Council for People who are Deaf and Hard of Hearing  
Advisory Committee for the Blind External Stakeholder List

**EFFECTIVE DATE:** Revised January 15, 2016

**IMPORTANT CHANGES:** This revision adds Provider approval information for Discovery & Customized Employment and Pre-Employment Transition Services.

**RESULTING ACTION:** Archive numbered memo **12-100.06 Provider Agreement Policy and Procedures.**

**INQUIRIES:** Central Office Fiscal Assistant  
717-395-9638

Copies of this numbered memorandum are available upon request.  
All materials provided, produced and published by OVR will be made available in the appropriate alternative format when necessary and/or upon request.

## **POLICY**

This policy is to be used for any business entity or individual who is going to be providing any type of fee for service to an OVR customer. This policy will distinguish Providers as the employer of record and establish a clear and consistent procedure for the Provider approval process. It will establish guidelines and parameters for verification of Providers' professional qualifications and "license" to do business.

The purpose of this numbered memorandum is to establish a clear definition of Provider whereby the Provider releases OVR from any legal and financial responsibility as "employer." If these individuals have contracts with OVR that specify the services to be provided, OVR does not "supervise" them, and the Providers procure their own liability and workers compensation insurance. Any Provider providing any services to OVR or OVR customers must have an ongoing, documented business established with a FEIN, or with a TIN/SSN as a "sole proprietorship." Additionally, these Providers should have business cards or letterhead to demonstrate that they are engaging in an established trade or business. Any independently established trade or business who is identified for tax purposes as a sole proprietorship or independently owned or operated business from which OVR purchases services on behalf of its customers must complete an **OVR-130, Provider Agreement**.

**NOTE:** OVR has discretion to determine which Providers are required to sign the form. Using a Provider who is not an established trade or business is prohibited.

If a relative of the OVR customer or a former employee of an OVR Provider wants to continue to provide services, he/she must complete the necessary process as outlined in the procedures below.

**NOTE:** This policy does **\*\*not\*\*** apply to Participants as Providers.

### **Agreements for Providers of Services and Goods/Services**

The **Provider Agreement** does not create any actual or apparent agency, partnership or employer/employee relationship between OVR and PROVIDER. PROVIDER works independently, has discretion to determine where services are performed and will provide its own tools or equipment owned by PROVIDER for performance of the work required by the agreement.

PROVIDER's services are available to the general public and the PROVIDER may provide services to other individuals or entities.

The PROVIDER is in compliance with all State, Federal and local statutes, ordinances and/or regulation governing the operation of business entities.

The PROVIDER is responsible for obtaining and maintaining general liability, automobile, workers compensation and employer liability insurances. PROVIDER is responsible for the payment of all taxes. Neither the Commonwealth nor OVR is responsible for taxes, workers compensation, unemployment compensation insurance, liability, FICA, social security withholding or any other tax.

The PROVIDER does for itself, its predecessors, heirs, successors, and assigns, agree to indemnify remise, release, exonerate and forever discharge the Commonwealth and OVR, their successors, officials and employees of and from any and all manner of actions, causes of action, judgments, suits, debts, claims and demands whatsoever, whether at law or in equity, arising out of or relating to PROVIDER'S provision of services.

The PROVIDER shall maintain the confidentiality of OVR customer information by adhering to all applicable laws and regulations governing confidentiality.

The **Provider Agreement** sets forth the entire agreement between the parties. All previous agreements, covenants, express or implied, oral or written with respect to the subject matter herein are hereby superseded by this agreement.

All disputes arising under the **Provider Agreement** shall be governed by the laws of the Commonwealth of Pennsylvania.

Either party may terminate the **Provider Agreement** at any time for its convenience or for any other reason if it determines that termination is in its best interests or is otherwise appropriate, by giving written notice to the other party of such termination and specifying the effective date of the termination.

Should any section or any part of any section of the **Provider Agreement** be rendered void, invalid or unenforceable by a court of law for any reason, such a determination shall not render void, invalid or unenforceable any other section or part of any section of the contract.

**NOTE:** A Letter of Understanding (LOU) does not establish a legal relationship with a Provider.

**NOTE:** There are two exceptions to the general provider agreement document: Discovery & Customized Employment and Pre-Employment Transition Services (Pre-ETS).

## PROCEDURE

### PROCESS FOR PROVIDER APPROVALS

#### District Offices

1. District Office Staff obtains the following from the provider:
  - **Provider Enrollment Form**
  - **W-9**
  - Signed **Provider Agreement Form**
  - If applicable:
    - PA License
    - Certification of Insurances Professional Certifications/Clearances
    - Curricula Vitae/Résumé
    - Letter of Intent
2. District Office Staff verifies PA License on Department of State website and prints off verification statement.
3. District Office Staff gives all required documentation to LOFA or Service Provider Representative.
4. LOFA or Service Provider Representative creates a business folder on CWDS.
5. LOFA or Service Provider Representative uploads all documents into the Provider's business folder in CWDS.
6. LOFA or Service Provider Representative notifies Central Office Fiscal Assistant (COFA) that Provider's information has been submitted for approval.
7. LOFA or Service Provider Representative instructs Provider to apply for SAP number via Central Vendor Management Unit (CVMU) if applicable.

#### Central Office

##### **No additional review required:**

- COFA will complete debarment with **W-9**.
- COFA approves the service application and notifies the LOFA.
- Approval letter sent by COFA to Provider notifying them of their status as "active" and requirements to adhere to **Provider Agreement** policy.

##### **Additional review required:**

- Audiological Services
- College/Universities/Business and Technical Schools
- Discovery/Customized Employment Services

- Home Modifications
- Pre-ETS
- Psychological Services
- Prosthetics/Orthotics
- Vehicle Modifications

1. COFA will complete debarment with **W-9**.
2. COFA will then notify CO VR Specialist that Provider has been debarred and will request review of qualifications.
3. CO VR Specialist will review qualifications as documented in the Provider's Business Folder in CWDS.
4. CO VR Specialist will approve Provider's service application as appropriate based upon review of credentials.
5. CO VR Specialist will notify COFA that Provider has been approved.
6. COFA will notify LOFA that Provider has been approved.
7. Approval letter sent by COFA to Provider notifying them of their status as "active" and requirements to adhere to **Provider Agreement** policy.

**NOTE:** If a Provider requires a new business folder, they may be required sign the **Provider Agreement Form**.

**NOTE:** License verification is not required for provision of medical records. However, license must be verified to link any other service code to a Provider's service application.

### **Basic Requirements for ALL Providers**

(Follow checklist to ensure that all requirements have been met.)

#### **Providers of Services and Goods/Services**

1. Submission of a complete **W-9** for debarment verification.
2. Submission of a signed **Provider Agreement** form.
3. Submission of a complete **Provider Enrollment Form**.
4. Submission of required supporting documentation as applicable.

#### **Provider of Goods\* only will submit the following to the local OVR District Office**

1. Submission of a complete **W-9** for debarment verification.
2. Submission of a complete **Provider Enrollment Form**.

\* While formal verification is not required for Providers of goods, it is recommended that field staff verify the availability of inventory as well as possibly inquire about the experience of customer service representatives.

\* Field staff should also attempt to adhere to the guidance of evaluators, when offered, with regard to sources from which to purchase recommended goods/equipment.

### **Secondary Requirements for Specified Providers**

Identified in numbered memoranda and specialized Provider Agreement documents:

- Psychological Services
  - **OVR Numbered Memo, Psychological Services - Qualifications, Approval, & Use of Psychological Providers & Services**
- Orthotists/Prosthetists
  - **OVR Numbered Memo, OVR Fiscal Procedures and Documentation**
- Vehicle Modifications
  - **OVR Numbered Memo, OVR Driving and Vehicle Services**
- Home/Worksite Modifications
  - **OVR Numbered Memo, Work and Home Site Modifications**
- Audiologists
  - **OVR Numbered Memo, Audiological Services Policy**
- Pre-ETS Provider Agreement
  - T drive: Pre-ETS folder
- Discovery/Customized Employment Services Provider Agreement - Discovery/CE
  - T drive: Discovery & Customized Employment folder

Refer to the **Provider Credential Verification List** to ascertain which professional agency/organization establishes the qualifications required in their field of expertise.

### **RELATED DOCUMENTS**

**OVR-120 Provider Enrollment Form**

**OVR-131 Provider Agreement form**