



March 31, 2020

Guidance: Families First Coronavirus Response Act

Direct support professionals (DSPs) provide critical services to Ohioans with developmental disabilities. The provision of these services is even more critical during the ongoing coronavirus (COVID-19) emergency.

Governor Mike DeWine and Ohio Department of Health Director Amy Acton recognized the significance of the work of DSPs in the director's [stay-at-home order issued March 22](#) . The order states that services in Ohio's developmental disabilities system are essential activities that should continue to be provided, and that travel is allowed in order to provide and receive those services.

DSPs, including both independent and agency providers, and county board service and support administrators (SSAs), are essential workers and should continue providing supports while following orders issued by Dr. Acton, DODD guidance, and best practices found at [coronavirus.ohio.gov](#) .

Recently enacted federal legislation, the Families First Coronavirus Response Act (FFCRA), recognizes the essential nature of work conducted by health care providers. The FFCRA allows health care providers and emergency responders to be exempted from the expanded sick and family leave benefits otherwise established by the FFCRA. To assist employees and employers in understanding their rights under FFCRA, the U.S. Department of Labor (DOL) recently issued a [guidance document](#) .

This DOL guidance states that "a health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local

health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, **or any similar institution, employer, or entity** . This definition includes "any individual employed by an entity that contracts with any of the above institutions, employers, or entities institutions to provide services or to maintain the operation of the facility."

Based on the DOL guidance and the essential nature of services and supports to people served in the disabilities system, DODD concludes that DSPs and SSAs are health care providers and are thus exempt from the paid sick leave and expanded family and medical leave provisions of the FFCRA.

The department appreciates the sacrifice and commitment of DSPs and other professionals to Ohioans with developmental disabilities.