

**5123:2-17-01 Complaint resolution.**

(A) The purpose of this rule is to establish procedures for the filing and resolution of complaints involving any of the programs, services, policies, or administrative practices of the department of mental retardation and developmental disabilities ("department") or any of the entities under contract with the department.

(B) Except as provided in paragraph (C) of this rule, any person may file a complaint involving any of the programs, services, policies, or administrative practices of the department or any of the entities under contract with the department.

(C) An employee of the department may not file a complaint under this rule.

(D) Special provisions apply to the reporting of complaints under the following areas:

(1) Abuse or neglect as reported under sections 5123.61, 5126.30 to 5126.33, 5101.60 to 5101.61, 2151.421, 2919.22, 2903.33 to 2903.36, and Title XXI of the Revised Code; and

(2) Sexual activity as defined in Chapter 2907. of the Revised Code.

(E) Complaints may be made to the department only after exhausting administrative remedies and complaint resolution procedures as established by administrative rules or through complaint resolution procedures developed in contract by contractors of service, county boards, or other persons.

(F) Complaints filed with the department shall be in writing and shall include, but not be limited to, the following information:

(1) The facts involving the complaint;

(2) The names, addresses, and telephone numbers of the persons involved in the complaint, if available;

(3) Previous actions taken to resolve the complaint; and

(4) Other relevant information regarding the complaint.

(G) Within five calendar days of receiving a complaint, the department shall confirm that all administrative remedies as described in the administrative rules or existing in contract between the conflicting parties have been exhausted.

(H) Upon confirming that all existing remedies have been exhausted, a hearing shall be held within twenty-one calendar days.

(I) The hearing officer shall hold a hearing at a site mutually agreed upon by all parties involved in the complaint and the department. Any person shall have the opportunity to present evidence at the hearing. The hearing officer shall issue a written recommendation to the director within ten calendar days of the hearing.

(J) At any time after the hearing is held in accordance with paragraph (I) of this rule, but before the director issues a written decision, the parties involved may agree to resolve the complaint in lieu of any further formal

proceedings. Any resolution agreed to by the parties pursuant to this paragraph shall be in writing and signed by all parties and a copy of the written executed resolution provided to all parties within five calendar days following the execution of the agreement.

(K) The director shall issue a written decision to the involved parties within five calendar days of receipt of the hearing officer's recommendations.

(L) The timelines set forth in this rule may be extended if mutually agreeable to all parties involved.

(M) This rule is not intended to abridge any right of appeal that a party aggrieved by the decision of the director may have independent of this rule.

**HISTORY: Eff 9-24-87; 11-2-96**

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 5123.04, 5123.043

Rule amplifies: RC 5123.043, 119.032 review date: 11-2-01

Replaces: 5123:2-17-01

119.032 Review date: 4/1/02; 4/1/04