

5123:2-19-01                    **Standards for evaluating applicants as potential receivers of residential facilities.**

- (A) The purpose of this rule is to establish standards for evaluating persons (applicants) desiring to be included on a list of potential receivers of residential facilities.
- (B) An applicant wishing to be considered for inclusion on a list of potential receivers maintained by the department shall have at least five years of experience as a provider licensed to operate a residential facility in Ohio under section 5123.19 of the Revised Code ~~in Ohio~~.
- (C) The applicant shall submit an application developed by the department in order to be considered as a potential receiver. Factors to be considered by the department for evaluating and selecting applicants to be included on a list of potential receivers shall include, but are not limited to:
- (1) Substantial compliance with licensure requirements for previous or existing facilities operated by the applicant over the past five years under any corporate name.
  - (2) Involvement of one or more principals of the applicant in prior licensure revocation, receivership, emergency removal, or suspension of admissions.
  - (3) Fiscal solvency of the applicant.
  - (4) Substantiated complaints filed with the ombudsman in accordance with sections 5123.601 to 5123.604 of the Revised Code that are related to the applicant.
  - (5) Pending and prior investigations of major unusual incidents within the past five years, which includes the scope and nature of the incident(s), the analysis, and any findings involving individuals being served by the applicant.
  - (6) A description of the experience of the applicant in the provision of services to individuals with developmental disabilities. This description shall include, but is not limited to:
    - (a) Characteristics of individuals served;
    - (b) Geographic areas served by the applicant;
    - (c) Number of individuals served;

- (d) Specialized services offered by the applicant; and
- (e) A table of organization that identifies key employees or positions and their qualifications.
- ~~(7) A written recommendation from a county board of mental retardation and developmental disabilities of a county and/or a council of government where the applicant provides services indicating the applicant is a provider in good standing in the county.~~
- (D) ~~The department shall request applications for potential receivers no later than sixty days following the effective date of this rule. The applicant shall request a written recommendation from a county board of mental retardation and developmental disabilities and/or a council of governments where the applicant provides services. The refusal of a county board and/or council of governments to provide a recommendation to the applicant shall not be the sole basis for the department to deny the application.~~
- ~~(E) The application shall indicate timelines for submission of applications.~~
- ~~(F)~~(E) The department shall inform the applicant whether it will be included on the list of potential receivers within sixty calendar days of the date the application is received by the department and the reason(s) for the denial of an application.
- ~~(G)~~(E) If the application is denied, the applicant may appeal to the director or the director's designee within fifteen calendar days following the date of the applicant's notification.
- ~~(H)~~(G) The director or the director's designee shall make a determination of the appeal within fifteen calendar days of the date the appeal is received by the department. The determination of the director or the director's designee is final.
- ~~(I)~~(H) When a facility is subject to receivership in accordance with section 5123.191 of the Revised Code, the department shall assist the court in identifying a receiver by providing the court with the list of approved applicants established by the department in accordance with this rule.
- ~~(J)~~(I) The department shall accept applications to be included on the list of potential receivers at any time and shall make the list available to anyone who requests it. The department shall re-evaluate potential receivers for compliance with paragraph (C) of this rule prior to providing the list to the court.

Effective: 07/01/2007

R.C. 119.032 review dates: 11/14/2006 and 07/01/2012

CERTIFIED ELECTRONICALLY

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Certification

05/29/2007

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Date

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