

5123:2-3-21

Public notification program of adverse action taken by the department.

(A) The purpose of this rule is to establish a program under which public notification is made by the department when an adverse action has been taken against a licensee.

(B) Definitions.

The following definitions shall apply to this rule:

(1) "Adverse action" means any of the following actions taken by the department:

(a) The initiation of license revocation of a residential facility; or

(b) The issuance of an order for the suspension of admissions to a residential facility; or

(c) The placement of a monitor in a residential facility; or

(d) The emergency removal of individuals from a residential facility.

(2) "Public notification" means posting information regarding any adverse action on the department's web site in a format prescribed by the department.

(C) Procedures for posting, amending, and removing public notification

(1) Public notification shall be made within three working days following any adverse action taken by the department against a licensee when that action is taken within eighteen months of the most recent adverse action taken against that same licensee and the latest action is being taken for the same or a substantially similar violation of a provision under Chapter 5123. of the Revised Code that applies to residential facilities or the rules adopted under such a provision.

(2) The public notification shall remain until:

(a) The action taken by the department is found to be unjustified. In such a case, the public notification shall be amended to reflect the unjustified action for a period of thirty calendar days after which the public notification is removed.

(b) The licensee has corrected the violation that resulted in the adverse action. In such a case, the public notification shall be amended to reflect the corrective action taken by the licensee. The public notification shall remain for a period of eighteen months after which it shall be removed if no other adverse action has been taken against the licensee during that time.

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CERTIFIED ELECTRONICALLY

Certification

01/03/2005

Date

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