

173-14-12

Separation of representatives from the office.

The separation of a representative from the office may occur through termination by the regional program or sponsoring agency with which the ombudsman is employed, decertification, voluntary ~~resignation~~ separation, or removal of the candidate for certification.

(A) Decertification or removal of a candidate for certification:

- (1) No representative of the office ~~shall~~ may be decertified or removed as a candidate for certification without cause. Cause ~~shall include~~ includes, but ~~shall is~~ is not be limited to, the following:
 - ~~(a)~~ Failure to follow policies and procedures that conform to sections 173.14 to 173.27 of the Revised Code and this chapter.
 - ~~(b)~~ (a) Failure to provide services according to sections 173.14 to 173.27 of the Revised Code, this chapter, the service contract, ~~and~~ or the approved ombudsman plan.
 - ~~(c)~~ (b) Performing a function not recognized or sanctioned by the office.
 - ~~(d)~~ (c) Failure to meet the ~~required~~ required qualifications to be a representative.
 - ~~(e)~~ (d) Failure to meet continuing education requirements.
 - ~~(f)~~ (e) Intentional failure to reveal a conflict of interest.
 - ~~(g)~~ (f) The misrepresentation of the representative's category of certification or the duties the representative is certified to perform.
 - ~~(h)~~ (g) Failure to perform official duties in good faith.
 - ~~(i)~~ (h) Conduct unbecoming a representative of the office.
 - ~~(j)~~ (i) Violations of Ohio ethics laws.
- (2) The SLTCO and sponsoring agencies may attempt to ~~assure satisfactory~~ improve a representative's job performance through professional development, supervision, or other remedial actions before recommending decertification.
- (3) Regional program directors, sponsoring agencies, and SLTCO staff recommending decertification or removal shall state their reasons in writing; to the SLTCO and ~~shall~~ provide the SLTCO with any relevant documentation to support the recommendation, ~~to the SLTCO~~.

- (4) The SLTCO shall review the recommendation and ~~make a determination~~ determine whether to accept or deny the recommendation in the form of a written notice to the sponsoring agency, regional program director, and the representative. A paid representative may appeal the notice according to rule 173-14-27 of the Administrative Code.
- (5) When the SLTCO initiates a decertification action against a representative of the office, the SLTCO shall notify the sponsoring agency, the regional program, and the representative. A paid representative may appeal the notice according to rule 173-14-27 of the Administrative Code.

(B) Responsibilities after separation:

- (1) ~~Any person who separates from the office shall cease to be a representative of the office. The identification card of a person separated from the office must be surrendered to the SLTCO. The SLTCO or regional program director shall notify the any person who separates from the office in writing that of the responsibility to surrender the identification card must be surrendered within seven days after receiving the notice because any person who separates from the office ceases to be a representative of the office.~~
- (2) Regional programs shall notify the SLTCO of the separation of any representative from the office and the reason for the separation no later than thirty days after the separation of a volunteer and immediately after the separation of a paid representative.
- (3) As appropriate, regional programs shall notify affected long-term care providers of the representative's separation from the office.

(C) Reinstatement:

- (1) ~~A certified representative of the office who voluntarily separates from the office may, within one year after separation, apply for reinstatement of certification when the representative becomes reemployed by or accepted as a volunteer of the office. Any person seeking recertification within one year after voluntarily separating from the office shall may apply for reinstatement in writing, email, or through the ombudsman registry to the SLTCO. The application shall provide the date of separation and a summary of any professional development in or experience with ombudsman skills, long-term care services, problem resolution skills, or related skills the applicant may have received since voluntarily separating from the office.~~

- (2) The SLTCO shall review the application and may require the applicant to receive additional professional development, and/or take an appropriate ~~examination~~ exam based upon the length of time the applicant has been away from the field, and the experience or professional development the applicant has accumulated in the interim. The SLTCO shall ~~make the decision~~ decide no later than five business days after receipt of the request.

Effective:

Five Year Review (FYR) Dates: 11/16/2023

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 121.07, 173.01, 173.02, 173.16, 173.21; 42 U.S.C. 3025, 3058g; 45 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15

Rule Amplifies: 173.16, 173.21; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11

Prior Effective Dates: 07/11/1991, 12/27/2001, 12/28/2006, 05/01/2018, 01/28/2022