

3701-61-06

Complaint investigations; adjudications; penalties.

- (A) Any person who believes that a resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may report or cause reports to be made of the information directly to the department.
- (B) In accordance with division (C) of section 3721.17 of the Revised Code, the department may investigate complaints or refer them to the home's grievance committee or the attorney general for investigation, except the department shall investigate or refer to the attorney general for investigation complaints referred by a home's grievance committee and complaints alleging that a home provided substantially less than adequate care or treatment, or substantially unsafe conditions. Referrals to the attorney general shall occur only if the attorney general agrees to investigate within thirty days.
- (C) If, after an investigation, the department finds probable cause to believe that a violation of sections 3721.10 to 3721.17 of the Revised Code or of the rules, policies, or procedures adopted pursuant to those sections, has occurred at a home that is certified under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended (1981), it shall cite one or more deficiencies under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the home is not so certified, the department shall hold an adjudication hearing within thirty days under Chapter 119. of the Revised Code.
- (D) Upon a finding at an adjudicative hearing under paragraph (C) of this rule that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant thereto, has occurred, the department shall make an order for compliance, set a reasonable time for compliance, and assess a fine pursuant to division (F) of section 3721.17 of the Revised Code. The fine shall be paid to the general revenue fund only if compliance with the order is not shown to have been made within the reasonable time set in the order. The department may issue an order prohibiting the continuation of any violation of sections 3721.10 to 3721.17 of the Revised Code.
- (E) Findings at the hearings conducted under section 3721.17 of the Revised Code and this rule may be appealed pursuant to Chapter 119. of the Revised Code, except that an appeal may be made to the court of common pleas of the county in which the home is located.
- (F) The department shall initiate proceedings in court to collect any fine assessed under section 3721.17 of the Revised Code and this rule which is unpaid thirty days after the violator's final appeal is exhausted.

Effective:

Five Year Review (FYR) Dates: 03/28/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3721.11
Rule Amplifies: 3721.17
Prior Effective Dates: 10/12/1979, 10/14/99