

4717-11-01

Summary suspension.

(A) Any license granted by the Board may be summarily suspended without a prior adjudicatory hearing pursuant section 4717.14(B) of the Revised Code if, in the opinion of the board there is clear and convincing evidence that the license holder has violated divisions 4717.14(A)(1) to (10) of the Revised Code and the licensee's continued practice presents a danger of immediate and serious harm to the public.

(1) Prior to the consideration of a summary suspension under paragraph (A) of this rule, the executive director shall prepare written allegations for consideration by the board.

(2) If the board determines that the conditions in paragraph (A) of this rule are met, it shall issue a written order of suspension, by certified mail or personal service, in accordance with section 119.07 of the Revised Code.

(3) The licensee may request an adjudicatory hearing. Such hearing shall be set by the board within fifteen days, but not earlier than seven days, of said request, unless otherwise agreed by the board and the licensee. Said request shall be deemed to have been made as of the date of receipt of the request by the board.

(4) The board shall issue a final adjudicatory order within thirty days after the completion of the adjudicatory hearing, except in the case of the summary suspension of a crematory facility license, in which case the board shall issue a final adjudicatory order within sixty days after completion of the adjudicatory hearing. Failure to issue a final adjudicatory order within that time will result in the dissolution of the summary suspension order but in no way affects or invalidates the final adjudicatory order or any subsequent order of the board.

(5) A summary suspension issued by the board is not subject to stay by the court during the pendency of any appeal by the licensee under Section 119.12 of the Revised Code.

(B) Any holder of a license issued under Chapter 4717 of the Revised Code who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual by any jurisdiction and for any offense listed in division (E) of section 4717.14 of the Revised Code is suspended from practice of embalming and/or funeral directing by operation of law as of the date of such guilty plea, verdict or finding of guilt, or judicial finding of eligibility for treatment in lieu of conviction. The board shall issue a written order of suspension, by certified mail or personal service, in accordance with section 119.07 of the Revised Code.

(1) The licensee may request an adjudicatory hearing, pursuant to section 119.12 of the Revised Code. Such hearing shall be set by the board within fifteen days,

but not earlier than seven days, of said request, unless otherwise agreed. Said request shall be deemed to have been made as of the date of receipt by the request by the board.

- (2) The board shall issue a final adjudicatory order after the completion of the adjudicatory hearing. If the licensee fails to request an adjudicatory hearing, the board shall enter a final order revoking the license.

Replaces: 4717-1-29
Effective: 04/10/2011
R.C. 119.032 review dates: 04/10/2016

CERTIFIED ELECTRONICALLY

Certification

03/31/2011

Date

Promulgated Under: 119.03
Statutory Authority: 4717.04
Rule Amplifies: 4717.14
Prior Effective Dates: 11-10-05