

4751-1-12

Suspension, revocation, and disciplinary action.

For the purposes of this rule, an individual licensee who holds a license to practice nursing home administration in this state, or who is licensed as a health services executive (HSE), is subject to the supervision of the board.

(A) The license or certificate of registration, or both, ~~or the temporary license~~ of any individual who practices or offers to practice nursing home administration or who is an HSE may be revoked or suspended by the board and/or the board may impose a civil penalty, fine, or other sanction imposed as authorized by the board under any one or more of the following situations:

- (1) The individual is unfit or incompetent by reason of negligence, habits, or other causes.
- (2) The individual violated any of the provisions of Chapter 4751. of the Revised Code or this chapter; or acted in a manner that was inconsistent with the health and safety of the persons being served in the nursing home or in the practice setting in which the individual is the administrator.
- (3) The individual has demonstrated by his or her actions, incompetence, untrustworthiness, dishonest practices or irresponsibility in the practice of nursing home or health services executive administration.
- (4) The individual is guilty of fraud or deceit in the practice of nursing home administration or health services executive administration or in the individual's admission to such practice.
- (5) The individual was convicted in a court of competent jurisdiction, either within or without this state, of a felony or failed to inform the board, in writing, within ten days of a conviction in a court of competent jurisdiction, either within or without this state, of a felony.
- (6) The individual was convicted of a misdemeanor in a court of competent jurisdiction, either within or without this state, within the course and scope of the practice of nursing home administration or health services executive administration or has failed to inform the board, in writing, within ten days of a conviction of a misdemeanor in a court of competent jurisdiction, either within or without this state, within the course of and scope of the practice of nursing home administration or health services executive administration.
- (7) The individual had any license or certification of registration denied, revoked, or suspended, or voluntarily surrendered any license or certificate of registration

for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

- (8) The individual failed to appear before the board or its designee after being notified in writing by the board, unless a reasonable extension has been requested in writing and granted by the board or its designee.
 - (9) The individual failed to inform the board, in writing, within ten days after a change in business or personal address.
 - (10) The individual failed to renew the ~~annual~~-biennial certificate of registration in a timely manner as defined in rules 4751-1-10.1 and 4751-1-10.2 of the Administrative Code.
 - (11) The individual failed to keep NAB or Ohio examination material confidential or was found to have been dishonest in the taking of any of the examinations.
- (B) Any one or more of the following is prima facie evidence that an individual is unfit or incompetent by reason of negligence, habits, or other causes to serve as a nursing home administrator or health services executive:
- (1) The individual fails to make good faith attempts, via methods of administrative management, to assure that the nursing home or practice setting in which the individual is the administrator conforms with the provisions of pertinent statutes, codes, rules and regulations of the licensing or supervising authority or agency, federal, state or local, having jurisdiction over the operation and licensing of nursing homes or such practice setting;
 - (2) The individual habitually or excessively uses controlled substances, or other habit-forming drugs, alcohol, or other chemical substances to an extent that impairs the individual's ability to comply with Chapter 4751. of the Revised Code or this chapter.
 - (3) The individual fails to conform with the requirement imposed by paragraph (A) of rule 3701-17-08 of the Administrative Code.
 - (4) The individual fails to be responsible for planning, organizing, directing, and managing the operation of a nursing home or practice setting in such manner to insure the safety, health and well-being of the persons being served in any facility under the administrator's supervision.
 - (5) The individual has a physical inability to serve as a nursing home administrator or health services executive as evidenced by the statement of two licensed physicians.

- (6) The individual has a mental incompetency as declared by a decree of any court.
 - (7) The individual willfully permitted the unauthorized disclosure of information relating to a person being served in a nursing home or practice setting under the individual's administration.
 - (8) The individual was issued a lawful revocation or suspension by the duly constituted authorities of another state of any nursing home administrator's license or health services executive license which may have been issued said individual by another state.
 - (9) The individual fails to cooperate in any investigation concerning allegations to the administrator's or another licensee's or registrant's license or registration.
 - (10) The individual fails to adhere to any conditions set forth in a board-approved adjudication order or consent agreement.
- (C) Licensed nursing home administrators and health services executives governed by Chapter 4751. of the Revised Code, and by this chapter, shall be disciplined in accordance with Chapters 4751. and 119. of the Revised Code.

Effective: 10/1/2023

Five Year Review (FYR) Dates: 7/12/2023 and 10/01/2028

CERTIFIED ELECTRONICALLY

Certification

09/18/2023

Date

Promulgated Under: 119.03

Statutory Authority: 4751.04; 42 U.S.C. 1396g; 42 C.F.R. 431.707,
431.708

Rule Amplifies: 4751.32; 42. U.S.C. 1396g; 42 C.F.R. 431.707,
431.708, 431.712

Prior Effective Dates: 10/01/1974, 10/01/2015, 01/01/2020