

TO BE RESCINDED

4751-1-12

Suspension or revocation of license.

- (A) The board shall suspend or revoke the license, or certificate of registration, or both, or the temporary license of a nursing home administrator if such licensee or temporary licensee:
- (1) Has willfully or repeatedly violated any of the provisions of chapter 4751. of the Ohio Revised Code or the rules adopted thereunder; or
 - (2) Has willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which he is the administrator; or
 - (3) Is guilty of, fraud or deceit in the practice of nursing home administration or in his admission to such practice; or
 - (4) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony; or
 - (5) Is unfit or incompetent by reason of negligence, habits, or other causes.
- (B) The following shall be deemed prima facie examples of those activities which demonstrate that a person is unfit or incompetent by reason of negligence, habits, or other causes to serve as a nursing home administrator:
- (1) Failure to make good faith attempts, via methods of administrative management, to assure that the nursing home in which he 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;
 - (2) Dependency upon or addiction to the use of alcoholic beverages or drugs regulated by the local, state and Federal Narcotics Law;
 - (3) Failure to conform with the requirement imposed by rule 3701-17-08(A) or the sanitary code;
 - (4) Failure to be responsible for planning, organizing, directing, and managing the operation of a nursing home in such manner to insure the safety, health and welfare of the patients in any facility under his supervision;

- (5) Physical inability to serve as a nursing home administrator as evidenced by the statement of two licensed physicians;
 - (6) Mental incompetency declared by a decree of any court;
 - (7) Willfully permitting unauthorized disclosure of information relating to a patient in a nursing home under his administration;
 - (8) Lawful revocation or suspension by the duly constituted authorities of another state of any nursing home administrator's license which may have been issued said licensee by another state.
- (C) Licensed nursing home administrators governed by Chapter 4751. of the Ohio Revised Code, and by these rules, shall be disciplined in accordance with Chapters 4751. and 119. of the Ohio Revised Code.
- (D) Proceedings leading to suspension or revocation of the license or certificate of registration, or both, or the temporary license of a nursing administrator shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.

Effective:

Five Year Review (FYR) Dates: 06/30/2015

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4751.04; Section 1908(c)(1) of the Social Security Act
Rule Amplifies: 4751.10, 4751.99 (cf. §§ 4751.02, 4751.09), Section
1908(c)(1) of the Social Security Act; 42 C.F.R.
431.712 (October 1, 2014 edition).
Prior Effective Dates: 10/1/1974