

5101:2-5-07

Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates.

- (A) An application for an agency certificate or for any of the functions an agency intends to perform may be denied and an existing certificate or certification to perform specific functions may be revoked for any of the following reasons:
- (1) An agency has failed to comply with any applicable requirement of Chapter 5101:2-5 of the Administrative Code or any requirement of any other applicable chapter of the Administrative Code relevant to the intended or certified functions of the agency.
 - (2) An agency has failed to comply with an approved corrective action plan for previously cited areas of noncompliance.
 - (3) An agency is found to have furnished or made misleading or false statements or reports to the Ohio department of job and family services (ODJFS).
 - (4) An agency refuses or fails to submit to ODJFS required policy statements, application materials, plans or reports requested by ODJFS within required time frames.
 - (5) An agency has refused to admit onto its premises any person performing duties required by Chapter 5101:2-5 of the Administrative Code or other applicable chapters of the Administrative Code relevant to the intended or authorized functions of the agency, state or federal law or regulations or municipal ordinance.
- (B) All actions of ODJFS with respect to denial or revocation shall be by prior adjudicatory hearing pursuant to and subject to the requirements of Chapter 119. of the Revised Code.
- (C) Any act of omission or commission by an agency which results in the death, injury, illness, abuse, neglect or exploitation of a child in the care of the agency may be grounds for the revocation or denial of the agency's certification to perform any or all certified functions. This shall include any situation in which an agency has failed to inform any agency employee of the employee's obligation, pursuant to section 2151.421 of the Revised Code, to report any knowledge or suspicion of any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another child, to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect has occurred or is occurring.

- (D) At the time ODJFS proceeds with an agency denial or revocation, ODJFS shall notify all public children services agencies (PCSAs) and private child placing agencies (PCPAs) of the proposed adjudication order. If an order of denial or revocation is not upheld after any administrative hearing held pursuant to Chapter 119. of the Revised Code or if an order of denial or revocation is overturned on appeal to a court of competent jurisdiction, ODJFS shall notify all PCSAs and PCPAs of the decision.
- (E) When ODJFS enters an adjudication order to deny or revoke an agency's certificate pursuant to Chapter 119. of the Revised Code, the agency and those parties identified as the principals of the agency shall not be eligible for certification for any ODJFS children services license or certification for five years from the date of the denial or revocation or the exhaustion of all appeals, whichever is later. As used in this rule, "principal" means the agency's administrator(s) or director(s) and the agency's owners, partners, or members of the agency's governing body. In any denial or revocation action, ODJFS shall identify the principals of the agency against whom the denial or revocation action is taken.
- (F) When an agency certified to operate one or more of the functions listed in rule 5101:2-5-03 of the Administrative Code is found to be operating at less than an acceptable level of compliance with applicable rules of the Administrative Code, ~~in lieu of denying or revoking the agency's operating certificate,~~ ODJFS may issue a temporary certificate for one or more of the functions to the agency. A temporary certificate shall not be issued for an initial certification of a function requiring certification pursuant to rule 5101:2-5-03 of the Administrative Code and shall be effective for less than one year. A temporary certificate allows an agency to operate until ODJFS is satisfied that minimum requirements have been met. Whenever ODJFS issues a temporary certificate to an agency, the word "temporary" shall appear on the certificate in a contrasting color to words on the certificate in letters not less than one-half inch in height.

Effective: 08/01/2010

R.C. 119.032 review dates: 04/01/2010 and 08/01/2015

CERTIFIED ELECTRONICALLY

Certification

06/11/2010

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91,
9/18/96, 7/1/00, 9/1/02, 12/11/06