

5122-30-05

Issuance and conditions of full, probationary and interim licenses.

(A) Issuance and conditions of full, probationary, and interim licenses

- (1) The department may issue a full license for the facility only if it has been determined to the department's satisfaction that there is compliance with licensure requirements. The license shall specify the maximum number of residents for the facility, the maximum number of household members if applicable, and the type of activity for which the facility is licensed, i.e., the provision of room and board only, room and board and personal care only, or room and board, personal care, and mental health services.
- (2) A full license shall be valid for two years from the date of issuance. The renewal date shall be based on the expiration date of a full license. A full license may be changed to a probationary license at any time, if the department determines that the circumstances applicable to the issuance of a probationary license, as specified in this chapter, exist.
- (3) A license is not transferable to any other site or property.
- (4) A license is valid only for the applicant named in the application, and is not transferable to or assumable by any other person or entity.
- (5) The license must be kept at the facility at all times and made available for inspection to any person who requests it.
- (6) The license shall not be altered, modified or defaced in any way.
- (7) The department may conduct surveys or inspections of licensed facilities, as it deems necessary and appropriate, to determine initial or continued compliance with requirements or to determine whether deficiencies have been corrected, or upon complaint or allegation of licensure violations by any agency or individual. Inspections or surveys may be unscheduled and unannounced.
- (8) The department shall have access to all records, accounts, and other documents relating to the operation of the facility, as well as access to all areas in the facility and to the operator, staff, and all residents, as the department deems necessary and appropriate.
- (9) The operator of the residential facility shall be responsible for notifying the department of any changes or proposed changes concerning the information

submitted and attested to in the application, or in the operation of the facility which alter or modify the type of activity for which the facility is licensed, and/or the continued compliance of the facility with the requirements for licensure.

(B) Issuance and conditions of probationary licenses

- (1) A facility that has been issued a probationary license may not admit any residents during the term of the probationary license.
- (2) The term of the probationary license shall be for a period determined by the department, in its discretion, in order for the department to conduct a review or investigation, and/or for the facility to correct identified deficiencies, but shall be less than one year. A probationary license may be renewed, but the total consecutive time period of the probationary license shall be less than one year.

(C) Issuance and conditions of interim licenses

- (1) The department may issue an interim license if the department determines that the closing of or the need to remove residents from another residence has created an emergency situation.
- (2) As specified in paragraph (T)(2) of rule 5122-30-04 of the Administrative Code, the department may authorize placement of residents in the facility prior to the on-site inspection, and prior to the approval and issuance of a license. If approved, the department shall promptly issue the interim license to the facility.
- (3) A facility which has received an interim license shall immediately apply for a fire inspection by a certified fire authority. Upon receipt of the inspection, the facility shall immediately take necessary action to correct any noted deficiencies.
- (4) The interim license shall be valid for ninety days from the date of issuance. It may be renewed no more than twice. Application for renewal of an interim license must be submitted to the department prior to expiration of the current interim license.

(D) Denial and revocation of licenses

- (1) The department may revoke or deny the issuance or renewal of a full,

probationary, or interim license, as applicable, if the facility is not in compliance with the requirements for licensure.

- (2) The denial of an application for an initial or renewal license, or the revocation of a full or probationary license shall be subject to proceedings governed by Chapter 119. of the Revised Code, except that a change in status from full to probationary licensure shall not be considered the revocation or denial of a license and shall not be subject to proceedings governed by Chapter 119. of the Revised Code. The denial or revocation of an interim license shall not be subject to proceedings governed by Chapter 119. of the Revised Code and is solely at the discretion of the department.
- (3) The submission of incomplete materials for the application shall be considered a failure to submit an application for licensure, and the non-issuance of an initial license or a renewal license due to an incomplete application shall not be considered the denial or revocation of a license.
- (4) All residents of the facility, guardians and custodians if applicable, shall be immediately notified of the unlicensed status of a facility by the operator and the affiliating agency and/or board, and shall have all necessary and appropriate services provided to, or arranged for them by the affiliating agency and/or board in accordance with Chapter 340. of Revised Code that will enable them to reside in an appropriate residence, if they so choose.
- (5) Any facility which is in the process of the denial or revocation of a license remains subject to all of the requirements and conditions of licensure, except that the facility may not admit any residents during the Chapter 119. proceeding.
- (6) Nothing herein shall be construed to limit, modify, or abridge the department's right to petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the residents of the facility, in accordance with division (J) of section 5119.22 of the Revised Code.
- (7) Nothing in this rule shall be construed to limit, modify, or abridge the department's right to petition the court of common pleas or the probate court for the appointment of a receiver to take possession of and operate a residential facility in accordance with the provisions of section 5119.221 of the Revised Code.

(E) Termination of licenses

- (1) A license shall be considered terminated and invalid in the following circumstances:
 - (a) The operator of the facility has voluntarily discontinued involvement as the operator;
 - (b) The licensed facility is no longer used as a residential facility subject to licensure, as in situations resulting from change of use, relocation, destruction or loss of the facility, etc.; and
 - (c) An application for renewal has not been received by the department prior to the expiration of the license.
 - (2) The termination of a license, as specified in paragraphs (E)(1)(a) to (E)(1)(c) of this rule, shall not be considered a denial or revocation of a license and shall not be subject to proceedings governed by Chapter 119. of the Revised Code. If the department determines that circumstances exist as specified in paragraphs (E)(1)(a) to (E)(1)(c) of this rule, it shall issue a letter to the operator, affiliating agency, and mental health board specifying the date of termination of the license.
- (F) Licenses shall be returned to the department upon denial, termination, revocation, or voluntarily discontinuing operation of the facility.

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Certification

01/03/2011

Date

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