

## TO BE RESCINDED

5122-33-02                    **General prohibitions.**

- (A) No person shall operate an adult care facility unless the facility is validly licensed by the director under section 5119.73 of the Revised Code and this chapter.
- (B) No person shall admit to an adult care facility more residents than the number authorized in the facility's license.
- (C) No person shall admit a resident to an adult care facility after the director has issued an order pursuant to section 5119.76 of the Revised Code suspending admissions to the facility.
- (D) No person shall interfere with any authorized inspection of an adult care facility conducted pursuant to section 5119.71 or 5119.73 of the Revised Code and rule 5122-33-07 of the Administrative Code. As used in this paragraph, "to interfere" means to obstruct directly or indirectly any individual conducting an authorized inspection from carrying out his or her prescribed duties. Interference includes but is not limited to harassment, intimidation, refusal to permit access to facility records or residents, or refusal by the facility owner or manager to make himself or herself available for facility inspection, or to authorize on-duty staff to act in his or her stead to include allowing unimpeded entry and access to all staff, residents, areas of the facility, and records necessary for conduct of the inspection.
- (E) No person shall violate any of the provisions of Chapter 5119. of the Revised Code or any of the rules of this chapter.
- (F) No person shall knowingly place or recommend placement of any person in an adult care facility that is operating without a license.
- (G) No employee of a unit of local or state government, ADAMHS board, mental health agency, or PASSPORT administrative agency shall place or recommend placement of any person in an adult care facility if the employee knows any of the following:
- (1) That the facility cannot meet the needs of the potential resident;
  - (2) That the placement of the resident would cause the facility to exceed its licensed capacity;
  - (3) That an enforcement action initiated by the director of health is pending and may result in the revocation of or refusal to renew the facility license; or

- (4) That the potential resident is receiving or is eligible for publicly funded mental health services and the facility has not entered into a mental health resident program participation agreement.

Information provided by an ombudsman about long-term care options does not constitute a recommendation.

- (H) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director.
- (I) No person shall admit a resident requiring public mental health services regardless of sponsor or placing entity without first notifying the ADAMHS board serving the geographic area in which the admitting adult care facility is located and with which the facility has an appropriate mental health resident program participation agreement in place.

Effective: 01/01/2018

Five Year Review (FYR) Dates: 01/20/2017

CERTIFIED ELECTRONICALLY

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Certification

04/05/2017

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Date

Promulgated Under: 119.03  
Statutory Authority: 5119.34  
Rule Amplifies: 5119.34  
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6-1-2006, 10-1-2010