

TO BE RESCINDED

5122-33-04 **Application review process.**

Upon receipt of an application for licensure as an adult care facility or for license renewal, and the fee required by rule 5122-33-03 of the Administrative Code, the director shall do all of the following:

- (A) Review the application, any accompanying documents, and any additional information submitted in accordance with the director's request, for compliance with Chapter 5119. of the Revised Code and rule 5122-33-28 of the Administrative Code and for substantial compliance with this chapter;

- (B) Consider any information regarding the past record of the owner and manager and any individuals who are principal participants in an entity that is the owner or manager in operating facilities providing care to adults. The director shall consider whether any of the following actions have been taken against any of those individuals:
 - (1) Conviction or adjudication of any crime other than a traffic violation;
 - (2) Pending criminal prosecutions;
 - (3) Forfeiture of bail bond posted to guarantee appearance in court to answer any criminal charge;
 - (4) Involvement as a defendant or respondent in a civil or administrative investigation or action involving the provision of care or misappropriation of resident funds in any home, facility, or institution caring for people;
 - (5) Denial or withdrawal of a license, certificate, or approval to care for unrelated dependent children or adults;
 - (6) Denial, suspension, or revocation of a professional license;
 - (7) Conviction or adjudication of any crime involving financial or business management, theft, fraud, or embezzlement;
 - (8) Arrest, conviction, or adjudication of any crime relating to the provision of care;
 - (9) Conviction or adjudication of any crime or civil offense relating to assault, battery, abuse, neglect, or any other violent crime against an individual; or

- (10) Disqualifying enforcement actions by the director of mental health and addiction services under the provisions of paragraph (F) of rule 5122-33-03 of the Administrative Code; and
- (C) Review the report of the inspection or inspections conducted pursuant to rule 5122-33-07 of the Administrative Code.

Effective:

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5119.34
Rule Amplifies: 5119.34
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