

TO BE RESCINDED

5122-33-07

Notice of violations and opportunity to correct.

- (A) Except as otherwise provided in sections 5119.76 to 5119.78 of the Revised Code and except in cases of violations that jeopardize the health and safety of any of the residents, if the director determines that a licensed facility is in violation of Chapter 5119. of the Revised Code, Chapter 3701-13 of the Administrative Code, or this chapter, he or she shall give the facility an opportunity to correct the violation. The director shall notify the facility of the violation and specify a reasonable time for making the corrections. Notice of the violation shall be in writing and shall include a citation to the statute or rule violated. The director shall state the action that he or she will take if the corrections are not made within the specified period of time.
- (1) The facility shall be required to submit to the director a plan of correction stating the actions that will be taken by the facility to correct the violation. The director shall conduct an inspection to determine whether the facility has corrected the violation in accordance with the plan of correction.
- (2) If the director determines that the facility has failed to correct the violation in accordance with the plan of correction, the director may impose a penalty under section 5119.77 of the Revised Code and paragraph (H) of rule 5122-33-05 of the Administrative Code.
- (B) If the director subsequently determines that the facility has failed to correct the violation in a reasonable time for making the required corrections, the director shall impose penalties in accordance with sections 5119.75, 5119.76, 5119.77, and 5119.78 of the Revised Code as follows:
- (1) If the director determines that the facility has failed to make corrections within the time frame specified and/or the violation jeopardizes the health or safety of the residents, the director shall revoke or refuse to renew the license of the facility in accordance with Chapter 119. of the Revised Code.
- (2) If the director determines that the facility has failed to make corrections within the time frame specified and the violation does not jeopardize the health or safety of the residents, the director may impose civil money penalties or suspend new admissions to the facility until the violation is corrected or revoke or refuse to renew the license.

Effective:

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

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5119.34
Rule Amplifies: 5119.34
Prior Effective Dates: 5-6-1991 (Emer.), 8-4-1991, 9-5-1997, 6-1-2006,
10-1-2010