

TO BE RESCINDED

5122-33-08 **Change in statement of ownership; closure, transfer, or sale of facility.**

- (A) An owner shall notify the director in writing if the identity of the manager changes and of any changes in the information contained in the statement of ownership made pursuant to division (C) of section 5119.71 of the Revised Code and paragraph (B)(1) of rule 5122-33-03 of the Administrative Code. The owner shall provide this notification no later than ten days after the change occurs.
- (B) The procedure for closing an adult care facility shall include all of the following:
- (1) The owner shall inform the director in writing at least thirty days prior to the proposed date of closing. At the same time, the owner or manager shall inform each resident, his or her guardian, his or her sponsor, his or her case manager, or any organization or agency acting on behalf of the resident, of the closing of the facility and the date of the closing. The owner shall return their ACF license to the director with the notice of intent to close, or no later than the last day of the facility's business;
 - (2) Immediately upon receiving notice that a facility is to be closed, the director shall monitor the transfer of residents to other facilities and ensure that residents' rights are protected. The director shall notify the ombudsman in the region in which the facility is located and the mental health board serving the area in which the facility is located of the closing;
 - (3) All charges shall be prorated as of the date on which the facility closes. If payments have been made in advance, the payments for services not rendered shall be refunded to the resident or the resident's guardian not later than seven days after the closing of the facility; and
 - (4) Immediately upon the closing of a facility, the owner shall surrender the license to the director, and the license shall be canceled.
- (C) The owner shall notify the residents at least thirty days in advance of any change in the identity of the person who has possession of the facility, unless the change is in the nature of a corporate reorganization resulting in the same individual or individuals having ultimate ownership interest.
- (D) An owner who sells or transfers an adult care facility shall be responsible and liable for the following:
- (1) Any civil penalties imposed against the facility under section 5119.77 of the

Revised Code for violations that occur before the date of transfer of ownership or during any period in which the seller or his agent operates the facility; and

- (2) Any outstanding liability to the state, unless the buyer or transferee has agreed, as a condition of the sale or transfer, to accept the outstanding liabilities and to guarantee their payment, except that if the buyer or transferee fails to meet these obligations the seller or transferor shall remain responsible for the outstanding liability.

Effective:

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

Certification

Date

Promulgated Under: 119.03
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