

## TO BE RESCINDED

173-14-12

**Separation of representatives from the office.**

The separation of a representative from the office may occur through decertification, voluntary resignation, or termination by the program or sponsoring agency with which the ombudsman is employed.

(A)

- (1) No representative of the office shall be recommended for decertification without cause. Cause shall include, but shall not be limited to:
  - (a) Failure to follow policies and procedures that conform to sections 173.14 to 173.27 of the Revised Code and Chapter 173-14 of the Administrative Code;
  - (b) Failure to provide services in accordance with sections 173.14 to 173.27 of the Revised Code and Chapter 173-14 of the Administrative Code, the service contract, and the approved ombudsman plan;
  - (c) Performing a function not recognized or sanctioned by the office;
  - (d) Failure to meet the required qualifications;
  - (e) Failure to meet continuing education requirements;
  - (f) Intentional failure to reveal a conflict of interest; or,
  - (g) The misrepresentation of the representative's category of certification or the duties the representative is certified to perform.
- (2) The SLTCO and sponsoring agencies shall establish for their respective programs policies and procedures for making recommendations about decertification. Those policies and procedures shall require the SLTCO or sponsoring agency to attempt to assure satisfactory job performance through professional development, supervision, or other remedial actions prior to recommending decertification.
- (3) Regional programs and sponsoring agencies recommending decertification shall state their reasons in writing and shall provide any relevant documentation to support the recommendation to the SLTCO. Upon recommendation of decertification, notice of the recommendation and of the basis for the recommendation shall be provided to the representative.

- (4) The SLTCO shall review the recommendation and make a determination to accept or deny the recommendation in the form of a written notice to the sponsoring agency, regional program, and the representative. The sponsoring agency, regional program, or representative may appeal the SLTCO's decision in accordance with rule 173-14-26 of the Administrative Code.
- (5) When the SLTCO initiates a decertification action against a representative of the office, the SLTCO shall provide written notification to the sponsoring agency, the regional program, and the representative. The representative may appeal the notice in accordance with rule 173-14-26 of the Administrative Code.

(B)

- (1) Any person who separates from the office shall cease to be a representative of the office. The identification card of a person separated from the office must be surrendered to the SLTCO. The SLTCO or regional program shall notify the person in writing that the identification card must be surrendered within seven days of receiving the notice.
- (2) Regional programs shall notify the state program of the separation of any representative from the office and the reason for the separation no later than thirty days after the separation of a volunteer and immediately after the separation of a paid representative.
- (3) As appropriate, regional programs shall notify affected long-term care providers of the representative's separation from the office.

(C)

- (1) A certified representative of the office who voluntarily separates from the office may, within one year after separation, apply for reinstatement of certification when the representative becomes reemployed by or accepted as a volunteer of the office. Any person seeking recertification shall apply in writing to the SLTCO. The application shall provide the date of separation and a summary of any professional development in or experience with ombudsman skills, long-term care services, problem resolution skills, or related skills the applicant may have received since voluntarily separating from the office.
- (2) The SLTCO shall review the application and may require the applicant to receive additional professional development, and/or take an appropriate examination based upon the length of time the applicant has been away from the field, and the experience or professional development the applicant has accumulated in the interim. The SLTCO shall make the decision as soon as practicable.

Effective: 5/1/2018

Five Year Review (FYR) Dates: 1/30/2018

CERTIFIED ELECTRONICALLY

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Certification

04/06/2018

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Date

Promulgated Under: 119.03

Statutory Authority: 1324.11(e), 1324.13(b)(1), 1324.15(b), 173.01,  
173.02, 173.16, 173.21; 42 U.S.C. 3025(a)(1)(C),  
3058g(a)(5)(D); 45 C.F.R. 1321.11

Rule Amplifies: 173.16, 173.21; 42 U.S.C. 3058g; 45 C.F.R. 1321.11,  
1324.11(e)

Prior Effective Dates: 07/11/1991, 12/27/2001, 12/28/2006