

173-14-12

Separation of ~~representatives~~ an ombudsman from the office.

The separation of ~~a representative~~ an ombudsman from the office may occur through termination by the regional program or sponsoring agency with which the ombudsman is employed, decertification, voluntary separation, or removal of the candidate for certification.

(A) Decertification or removal of a candidate for certification:

- (1) No ~~representative of the office~~ ombudsman may be decertified or removed as a candidate for certification without cause. Cause includes, but is not limited to, the following:
 - (a) Failure to provide services according to sections 173.14 to 173.27 of the Revised Code, this chapter, the service contract, or the approved ombudsman plan.
 - (b) Performing a function not recognized or sanctioned by the office.
 - (c) Failure to meet the qualifications to be a ~~representative~~ ombudsman.
 - (d) Failure to meet continuing education requirements.
 - (e) Intentional failure to reveal a conflict of interest.
 - (f) The misrepresentation of the ~~representative~~ ombudsman's category of certification or the duties the ~~representative~~ ombudsman is certified to perform.
 - (g) Failure to perform official duties in good faith.
 - (h) Conduct unbecoming a ~~representative~~ an ombudsman of the office.
 - (i) Violations of Ohio ethics laws.
- (2) The SLTCO and sponsoring agencies may attempt to improve a ~~representative~~ ombudsman's job performance through ~~professional development training~~, supervision, or other remedial actions before recommending decertification.
- (3) Regional program directors, sponsoring agencies, and SLTCO staff recommending decertification or removal shall state their reasons in writing to the SLTCO and provide the SLTCO with any relevant documentation to support the recommendation.

- (4) The SLTCO shall review the recommendation and determine whether to accept or deny the recommendation in the form of a written notice to the sponsoring agency, regional program director, and the ~~representative~~ ombudsman. A paid ~~representative~~ ombudsman may appeal the notice according to rule 173-14-27 of the Administrative Code.
- (5) When the SLTCO initiates a decertification action against ~~a representative of the office~~ an ombudsman, the SLTCO shall notify the sponsoring agency, the regional program, and the ~~representative~~ ombudsman. A paid ~~representative~~ ombudsman may appeal the notice according to rule 173-14-27 of the Administrative Code.

(B) Responsibilities after separation:

- (1) The SLTCO or regional program director shall notify any person who separates from the office in writing of the responsibility to surrender the identification card within seven days after receiving the notice because any person who separates from the office ceases to be ~~a representative of the office~~ an ombudsman.
- (2) Regional programs shall notify the SLTCO of the separation of any ~~representative~~ ombudsman 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~~ ombudsman.
- (3) As appropriate, regional programs shall notify affected long-term care providers of the ~~representative~~ ombudsman's separation from the office.

(C) Reinstatement:

- (1) Any person seeking recertification within one year after voluntarily separating from the office may apply for reinstatement in writing, email, or through the ~~ombudsman-registry~~ administrative system. The application shall provide the date of separation and a summary of any ~~professional development training~~ in or experience with ombudsman skills, long-term care services, problem resolution skills, or related skills the applicant received since voluntarily separating from the office.
- (2) The SLTCO shall review the application and may require the applicant to receive additional ~~professional development training~~, and/or take an appropriate exam based ~~upon~~ on the length of time the applicant has been away from the field, and the experience or ~~professional development training~~ the applicant has

accumulated in the interim. The SLTCO shall decide no later than five business days after receipt of the request.

Effective:

Five Year Review (FYR) Dates: 8/26/2025

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 121.07, 173.01, 173.02, 173.16, 173.21; 42 U.S.C. 3025, 3058g; 45 C.F.R. 1321.9, 1324.11, 1324.13, 1324.15

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

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