

173-14-18

**Referrals of complaints to other agencies.**

- (A) All referrals made by representatives of the office shall contain the pertinent facts known to the representative and shall be subject to the confidentiality and consent requirements ~~set forth~~ established in rule 173-14-16 of the Administrative Code. Any confidential information transmitted in a written document shall be marked as confidential.
- (B)
- (1) Representatives of the office may report any violation of provider licensing laws or standards, or medicare/medicaid certification laws or standards, discovered during the course of ~~complaint handling~~ complaint handling to the department of health agency responsible for enforcing those laws or standards.
  - (2) Representatives of the office may report any violations of professional licensing laws or standards discovered during the course of complaint handling to the appropriate professional board or organization.
  - (3) Representatives of the office may report any violation of the provider agreement, medicaid discrimination laws, nursing home waiting list requirements, personal needs allowance laws, medicaid covered services provisions, or facility transfer plans discovered during the course of complaint handling to the department of ~~job and family services~~ medicaid.
  - ~~(4) Representatives of the office may report any violations of laws or standards whose investigation or enforcement is under the jurisdiction of a federal, state, or local public agency, to the appropriate agencies.~~
  - (4) To the extent permitted by federal law, a representative of the office may report to an appropriate authority any suspected violation of state law discovered during the course of an advocacy visit or investigation.
  - ~~(5) Representatives of the office shall report any suspected criminal violation discovered during the course of complaint handling to the appropriate law enforcement agency.~~
- (C) Any public agency that receives a referral from a representative of the office shall acknowledge receipt of the referral within thirty days ~~from~~ after the date on which the agency received the referral and, except as otherwise provided by law, shall notify the representative of the results of its investigation within thirty days ~~from~~ after the date on which the agency completes its investigation.

Effective: 5/1/2018

Five Year Review (FYR) Dates: 1/30/2018 and 05/01/2023

CERTIFIED ELECTRONICALLY

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Certification

04/06/2018

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.22; 42 U.S.C. 3025(a)(1)(C), 3058g(a)(5)(D); 45 C.F.R. 1321.11, 1324.11(e)(2), 1324.11(e)(3), 1324.11(e)(4), 1324.13(b)(1), 1324.15(b)  
Rule Amplifies: 173.22; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11(e)(2), 1324.11(e)(3), 1324.19(b)  
Prior Effective Dates: 07/11/1991, 12/27/2001, 12/28/2006