

5101:2-12-05**Denial, revocation and suspension of a licensed child care center application or license.**

(A) What are the reasons an applicant may have an application denied or a licensed child care center may have a provisional or continuous license revoked?

- (1) The center is not in compliance with Chapter 5101:2-12 of the Administrative Code or Chapter 5104. of the Revised Code.
- (2) The owner or administrator has pleaded guilty to or been convicted of an offense specified in division (A)(5) of section 109.572 of the Revised Code and does not meet the rehabilitation standards defined in rule 5101:2-12-09 of the Administrative Code.
- (3) The owner has had a child removed from his or her home due to abuse or neglect caused by the owner pursuant to section 2151.353 of the Revised Code.
- (4) The center fails to submit documentation or information requested by the Ohio department of job and family services (ODJFS) within required time frames.
- (5) The center has refused to allow the ODJFS staff access onto its premises or to any area used for child care.
- (6) The center has furnished or made misleading or false statements or reports to the ODJFS.
- (7) The center has accumulated eighteen or more points from moderate or serious risk non-compliances in accordance with appendix A to rule 5101:2-12-03 of the Administrative Code during the provisional period.
- (8) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with the ODJFS or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(B) What happens if an application is in the process of being denied or a provisional or continuous license is in the process of being revoked?

- (1) If an application for a child care center, type A home or type B home has been issued a notice of intent to deny, no new application for a child care center license shall be processed for the owner until after the completion of the denial process.
- (2) If a provisional or continuous license for a child care center, type A home or type B home has been issued an intent to revoke, no new application for a child care center license shall be processed for the same owner until after the completion of the revocation process.

(C) What if a center voluntarily surrenders the license or voluntarily withdraws the application during the revocation or denial process?

The voluntary surrender of a license or the withdrawal of an application for licensure shall not prohibit the ODJFS from revoking a license or denying an application.

(D) What happens if an application has previously been denied or a provisional or continuous license is revoked?

(1) If a license of a child care center, type A home, or type B home is revoked, another license shall not be issued to the owner of the center, type A home, or type B home until five years have elapsed from the date the license was revoked.

(2) If an application for a child care center, type A home, or type B home license is denied, the applicant shall not be licensed until five years have elapsed from the date the application was denied.

(3) If an owner/applicant was previously certified by the county agency and that certification was revoked for a health and safety reason, he or she shall not be licensed until five years have elapsed from the date the certification was revoked.

(E) Which licensing actions by the ODJFS give the center rights to an adjudicatory hearing, in accordance with the requirements of Chapter 119. of the Revised Code?

(1) Denial of an application.

(2) Revocation of an existing license, either provisional or continuous.

(3) The finding of jurisdiction in accordance with rule 5101:2-12-01 of the Administrative Code.

(4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the center.

(5) Denial of a continuous license at the expiration of the center's provisional license.

(F) When can the ODJFS suspend a license?

The ODJFS may immediately suspend the license of a center if the ODJFS determines that any of the following have occurred:

(1) A child dies or suffers a serious injury while receiving child care by the center.

(2) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the Revised Code on any of the following people:

(a) The center owner or owner's representative.

(b) The center administrator, if the administrator has not been released from employment or put on administrative leave.

(c) An employee of the center, if the employee has not been released from employment or put on administrative leave.

(3) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:

(a) The center owner or owner's representative.

(b) The center administrator, if the administrator has not been released from employment or put on administrative leave.

(c) An employee of the center, if the employee has not been released from employment or put on administrative leave.

(4) The ODJFS or a county agency determines that the center created a serious risk to the health or safety of a child receiving child care in the center that resulted in or could have resulted in a child's death or injury.

(5) Any of the following people have been charged by indictment, information, or complaint with fraud:

(a) The center owner or owner's representative.

(b) The center administrator, if the administrator has not been released from employment or put on administrative leave.

(G) What happens if a center's license is suspended?

(1) Upon receipt of a suspension order from the ODJFS, the center shall:

(a) Immediately stop providing care to all children.

(b) Provide written notification of the suspension to the parents of all children enrolled in the center.

(2) Refusal of delivery by personal service or by mail is not failure of delivery and service shall be deemed to be complete.

(H) Can the center request a review of the decision to suspend the license?

The center may request a review of the decision to suspend the license pursuant to section 119.12 of the Revised Code.

(I) How long will the license be suspended?

The suspension shall remain in effect until one of the following occurs:

(1) The PCSA completes its investigation pursuant to section 2151.421 of the Revised Code.

(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty.

(3) The revocation of the license is complete pursuant to this rule.

(J) Which ODJFS licensing actions, ministerial in nature, are not subject to an administrative hearing?

(1) Rejection by the ODJFS of any application for a license for procedural reasons such as, but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.

(2) Denial of an application pursuant to paragraph (D) of this rule.

(3) Closing a license that has been in a temporary closure for more than twelve months pursuant to rule 5101:2-12-02 of the Administrative Code.

(4) Closing a license if the child care center is no longer located at the address on the license and the owner has not requested a change of location or closure pursuant to rule 5101:2-12-02 of the Administrative Code.

(K) What does "owner" mean?

(1) For the purposes of paragraphs (B) and (D) of this rule, "owner" is as defined in rule 5101:2-12-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-12-01 of the Administrative Code.

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