

5101:2-13-08

**Complaint investigations for licensed and unlicensed type A homes.**

- (A) The ~~director's representative~~ department shall investigate and may inspect any licensed type A home upon receipt of any complaint that the home is out of compliance with the requirements of Chapter 5104. of the Revised Code or Chapter 5101:2-13 of the Administrative Code.
- (B) The investigation may also include any number of contacts with persons such as, but not limited to:
- (1) Building inspectors, fire department inspectors, public health officials or other state and local officials;
  - (2) Neighbors;
  - (3) Parents and relatives of children in care;
  - (4) ~~Public children services staff~~; Staff of the public children services agency (PCSA);
  - (5) Persons mentioned by the complainant;
  - (6) Health agency or law enforcement personnel;
  - (7) Current and past type A home employees; ~~or~~;
  - (8) Other witnesses.
- (C) ~~Complaint dispositions and summary reports: the director's representative~~ The department shall complete a ~~disposition report~~ the JFS 01295 "Complaint/Disposition Report" (rev. 01/2007) for each complaint at the conclusion of the investigation. ~~These~~ This ~~reports~~ report shall outline ~~the all~~ allegations, the results of the investigation, and the expectations for ~~corrections~~ correction of any confirmed ~~or discovered~~ violations of the rule requirements. The reports shall be kept on file at the Ohio department of job and family services (ODJFS). A copy of the summary report of findings and, if applicable, a ~~separate report~~ separate report containing any substantiated or discovered ~~noncompliances~~ noncompliance findings shall be provided to the administrator or licensee.
- (D) The administrator or licensee may submit ~~to the director's representative~~ a written response to a complaint investigation to the department. The response shall be kept

on file at ~~the Ohio department of job and family services~~ ODJFS.

(E) The type A home owner, administrator, or designee ~~may~~ shall use the following process to request a review of the complaint summary of findings:

(1) If the administrator or designee of a licensed type A home disagrees with any of the findings ~~presented~~ and an informal ~~inquiry~~ discussion with the licensing specialist does not provide a resolution of issues, the administrator or designee may submit a written request for review of findings. This request must be submitted within five seven business days of from receipt of the complaint investigation summary report of findings to the appropriate ODJFS licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee ~~to discuss the review~~. The licensing supervisor shall ~~render~~ prepare a written decision of the review ~~or meeting if one is held~~.

(2) If the administrator or designee of a licensed type A home disagrees with the decision of the ~~ODJFS~~ licensing supervisor ~~pursuant to paragraph (E)(1) of this rule~~, the administrator or designee may submit a written request for review of findings to ~~ODJFS~~, the chief of the licensing section, within ~~five~~ seven business days of receipt of the decision of the ~~ODJFS~~ licensing supervisor. The chief of the licensing section shall review the findings, the review materials and decision of the supervisor, ~~and the review of the administrator or designee~~, and may meet with any or all parties. The chief of the licensing section shall ~~render~~ prepare a written decision of the review ~~or meeting if one is held~~. The decision of the chief of the licensing section shall be final and does not entitle the type A home to any hearing rights under Chapter 119. of the Revised Code, unless ODJFS initiates action to deny or revoke the license.

(F) ~~Allegations of child abuse or neglect: the director's representative~~ The department shall immediately notify the local ~~public children services agency~~ PSCA upon receipt of a complaint when the allegations include child abuse or child neglect. The department shall send to the ~~public children services agency~~ PSCA a follow-up report which includes:

(1) A summary of the allegations;

(2) The ~~director's representative's plans~~ department's plan for investigation of the ~~alleged noncompliance~~ complaint in accordance with requirements of Chapter 5104. of the Revised Code ~~or~~ and Chapter 5101:2-13 of the Administrative Code; ~~and~~.

(3) A request for clarification of joint or parallel investigatory roles.

- (G) ~~Public record requests:~~ A copy of the type A home's licensing record, with confidential information deleted, shall be provided to any person who submits a written request to the director. The type A home's written response to the findings of an investigation that are submitted within thirty days of the center's receipt of the complaint investigation ~~summary~~ report shall become ~~a component part~~ part of the complaint record and be included in public records requests. The licensing record shall include all complaint investigation documents. The ~~disposition department's~~ report ~~required by paragraph (C) of this rule~~ shall not disclose the results of investigations of abuse or neglect conducted by the ~~local public children services agency~~ PCSA.

Effective:

R.C. 119.032 review dates: 03/30/2007

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Certification

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Date

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