

TO BE RESCINDED

5101:2-13-08 Complaint investigations for licensed and unlicensed type A homes.

- (A) The 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) 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.
 - (8) Other witnesses.
- (C) The department shall complete the JFS 01295 "Complaint/Disposition Report" (rev. 01/2007) for each complaint at the conclusion of the investigation. This report shall outline all allegations, the results of the investigation, and the expectations for correction of any confirmed 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 containing any substantiated or discovered noncompliance findings shall be provided to the administrator or licensee.
- (D) The administrator or licensee may submit a written response to a complaint investigation to the department. The response shall be kept on file at ODJFS.
- (E) The type A home owner, administrator, or designee 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 and an informal 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 seven business days from receipt of the summary report of findings to the appropriate licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee . The licensing supervisor shall prepare a written decision of the review.
 - (2) If the administrator or designee of a licensed type A home disagrees with the decision of the licensing supervisor, the administrator or designee may submit a written request for review of findings to the chief of the licensing section, within seven business days of receipt of the decision of the licensing supervisor. The chief of the licensing section shall review the findings, the review materials and decision of the supervisor, and may meet with any or all parties. The chief of the licensing section shall prepare a written decision of the review . 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) The department shall immediately notify the local PCSA upon receipt of a complaint when the allegations include child abuse or child neglect. The department shall send to the PCSA a report which includes:
- (1) A summary of the allegations.
 - (2) The department's plan for investigation of the complaint in accordance with requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
 - (3) A request for clarification of joint or parallel investigatory roles.
- (G) 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 report shall become part of the complaint record and be included in public records requests. The licensing record shall include all complaint investigation documents. The department's report shall not disclose the results of investigations of abuse or neglect conducted by the PCSA.

Effective:

Five Year Review (FYR) Dates: 09/01/2016

Certification

Date

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