

5101:2-13-08

Complaint investigations.

(A) The director's representative 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;

(2) Neighbors;

(3) Parents and relatives of children in care;

(4) Public children services staff;

(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 shall complete a disposition report for each complaint at the conclusion of the investigation. These reports shall outline the allegations, the results of the investigation, and the expectations for corrections 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. A copy of the summary report and, if applicable, a separate report containing any substantiated or discovered noncompliances 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. The response shall be kept on file at the Ohio department of job and family services.

(E) The type A home owner, administrator, or designee may 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 does not provide a resolution of issues, the administrator or designee may submit a written request for review of findings within five business days of receipt of the complaint investigation summary report 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 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, chief of the licensing section, within five business days of receipt of the decision of the ODJFS licensing supervisor. The chief of the licensing section shall review the findings, the 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 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 shall immediately notify the local public children services agency upon receipt of a complaint when allegations include child abuse or child neglect. The department shall send to the public children services agency a follow-up report which includes:

(1) A summary of the allegations;

(2) The director's representative's plans for investigation of the alleged noncompliance with requirements of Chapter 5104. of the Revised Code or 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 findings that are submitted within thirty days of the center's receipt of the complaint investigation summary report shall become a component of the complaint record and be included in public records requests. The licensing record shall include complaint investigation documents. The disposition 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.

Replaces: 5101:2-13-20

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.011
Rule Amplifies: 5104.04
Prior Effective Dates: 9/5/86