

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. The report shall be kept on file at the Ohio department of job and family services.
- (D) The director's representative shall provide summary reports of complaints to the administrator and the licensee. These reports shall outline the allegations, the results of the investigation, and expectations for corrections of any confirmed or discovered violations of the rule requirements. Copies of the summary reports shall be kept on file at the Ohio department of job and family services.
- (E) 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.
- (F) The type A home owner, administrator, or designee may use the following process to request a review of the complaint summary of noncompliance findings.
- (1) If the administrator or designee of a licensed type A home disagrees with any of the findings of noncompliance presented at an exit interview, the administrator or designee may submit a written appeal within five working days of the exit interview to the appropriate ODJFS licensing supervisor. The

licensing supervisor shall review the findings and may meet with the administrator or designee to discuss the appeal. 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 (F)(1) of this rule, the administrator or designee may submit a written appeal to ODJFS, chief of the licensing section, within five working 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 appeal 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.

(G) 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.

(H) 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 licensing record shall include complaint investigation documents. The disposition report required by paragraphs (C) or (D) 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

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Certification

Date

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