

5123-3-09**Licensed residential facilities - standards for evaluating potential receivers.****(A) Purpose**

This rule establishes standards for evaluating potential receivers of residential facilities licensed in accordance with section 5123.19 of the Revised Code.

(B) Definitions

For the purposes of this rule, the following definitions apply:

- (1) "Department" means the Ohio department of developmental disabilities.
- (2) "Major unusual incident" has the same meaning as in rule 5123-17-02 of the Administrative Code.
- (3) "Receiver" means a person who takes possession of and operates a residential facility when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents.
- (4) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(C) Eligibility to be considered for inclusion on list of potential receivers

A person wishing to be considered for inclusion on a list of potential receivers maintained by the department shall have at least five years of experience as a provider licensed to operate a residential facility in Ohio in accordance with section 5123.19 of the Revised Code.

(D) Standards for evaluating potential receivers

The standards to be considered by the department for evaluating persons to be included on a list of potential receivers shall include, but are not limited to:

- (1) Substantial compliance with requirements for previous or existing residential facilities operated by the potential receiver over the past five years under any corporate name.
- (2) Involvement of one or more key employees of the potential receiver in prior licensure revocation, receivership, immediate removal, or suspension of admissions.

- (3) Fiscal solvency of the potential receiver.
- (4) Pending and prior investigations of major unusual incidents within the past five years, which includes the scope and nature of the incidents, the analysis, and any findings involving individuals being served by the potential receiver.
- (5) The experience of the potential receiver in the provision of services to individuals with developmental disabilities including, but not limited to:
 - (a) Characteristics of individuals served;
 - (b) Geographic areas served;
 - (c) Number of individuals served;
 - (d) Specialized services offered; and
 - (e) A table of organization that identifies key employees or positions and their qualifications.

Replaces: 5123:2-3-09

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5123.04, 5123.19, 5124.03
Rule Amplifies: 5123.04, 5123.19, 5123.191, 5124.03
Prior Effective Dates: 08/01/1987, 09/20/2001, 07/01/2007, 10/01/2016