

## 5122-33-27 Suspending admission of residents to an adult care facility.

(A) If the director determines that an adult care facility is in violation of Chapter 5119. of the Revised Code, he or she may immediately issue an order suspending the admission of residents to the facility. This order shall be effective immediately without prior hearing, and no residents shall be admitted to the facility until termination of the order. The director shall send a copy of the order to each organization known by the director to have placed residents in the facility and upon termination of the order shall send written notice of the termination to each of these organizations. Upon inquiry by any person about the licensure status of the facility, the director shall disclose the existence of an order of suspension. If the director discloses the existence of such an order to any person pursuant to this division, he or she shall also notify that person, and any other person upon inquiry, of any subsequent termination of the order of suspension. The facility shall post the notice provided for in paragraph (B) of this rule prominently and shall inform any person who inquires about residence or placement in the facility of the order

(B) The director shall give written notice of the order of suspension to the facility by certified mail, return receipt requested, or shall provide for delivery of the notice in person. If requested by the facility in a letter mailed or delivered not later than two working days after it has received the notice, the director shall hold a conference with representatives of the facility concerning the suspension. The conference shall be held not later than seven days after the director receives the request.

(C) The notice sent by the director shall contain all of the following:

- (1) A description of the violation;
- (2) A citation of the statute or rule violated;
- (3) A description of the corrections required for termination of the order of suspension; and
- (4) Procedures for the facility to follow to request a conference on the order of suspension.

(D) At the conference the director shall discuss with the representatives of the facility the violation cited in the notice provided for in paragraph (B) of this rule and shall advise the representatives in regard to correcting the violations. Not later than five days after the conference, the director shall issue another order either upholding or terminating the suspension. If the director issues an order upholding the suspension, the facility may request an adjudication hearing pursuant to Chapter 119. of the Revised Code, but the notice and hearing under that chapter shall be provided after the order is issued, and the suspension shall remain in effect during the hearing process unless terminated by the director or until ninety days have elapsed after a timely request for an adjudication hearing is received by the director, whichever is sooner.

Effective: 02/17/2012

R.C. [119.032](#) review dates: 11/30/2011 and 02/17/2017

Promulgated Under: [119.03](#)

Statutory Authority: 5119.80

Rule Amplifies: 5119.76, 5119.78, 5119.79, 5119.80

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