

Ohio Revised Code

Section 5123.16 Valid supported living certificate required.

Effective: September 29, 2015

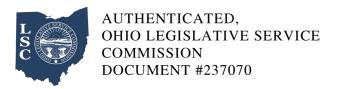
Legislation: House Bill 64 - 131st General Assembly

- (A) As used in sections 5123.16 to 5123.1611 of the Revised Code:
- (1) "Applicant" means any of the following:
- (a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living;
- (b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;
- (c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider;
- (d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.
- (2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider.
- (3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.
- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.
- (5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.
- (6) "Provider" means a person or government entity certified by the director of developmental



disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.

- (7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.
- (8) "Related party" means any of the following:
- (a) In the case of a provider who is an individual, any of the following:
- (i) The spouse of the provider;
- (ii) A parent or stepparent of the provider or provider's spouse;
- (iii) A child of the provider or provider's spouse;
- (iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;
- (v) A grandparent of the provider or provider's spouse;
- (vi) A grandchild of the provider or provider's spouse.
- (b) In the case of a provider that is a person other than an individual, any of the following:
- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;
- (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;



- (iii) A member of the provider's board of directors or trustees;
- (iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;
- (v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;
- (vi) A person over which the provider has control of the day-to-day operation;
- (vii) A corporation that has a subsidiary relationship with the provider.
- (c) In the case of a provider that is a government entity, any of the following:
- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;
- (ii) An officer of the provider;
- (iii) A member of the provider's governing board;
- (iv) A person or government entity over which the provider has control of the day-to-day operation.
- (B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.
- (C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1611 of the Revised Code.