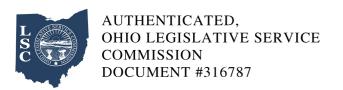


Ohio Administrative Code

Rule 173-39-05 ODA provider certification: disciplinary actions.

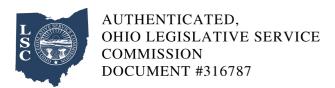
Effective: July 1, 2024

- (A) Introduction: Pursuant to section 173.391 of the Revised Code, ODA or its designee may impose disciplinary action against an ODA-certified provider (provider) for good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct ODA determines is injurious, or poses a threat, to the health or safety of individuals being served.
- (B) Disciplinary actions by ODA's designee:
- (1) Disciplinary actions imposed by ODA's designee may include any one or more of the following:
- (a) Plan of correction or evidence of compliance: ODA's designee may require the provider to provide a plan of correction or evidence of compliance with all areas of non-compliance within seven business days after the disciplinary action is imposed.
- (b) Suspending referrals: ODA's designee may cease to refer individuals to the provider until ODA's designee determines the provider complies with all requirements in this chapter.
- (c) Remove clients: ODA's designee may revise the person-centered services plans for individuals to stop authorizing the non-compliant provider as a provider for those individuals.
- (2) When ODA's designee imposes a disciplinary action, it shall do the following:
- (a) Notify the provider of the disciplinary action via encrypted email or mail.
- (b) Notify ODA of the disciplinary action via an ODA-approved method.
- (c) Complete the required fields in PIMS related to the disciplinary action.



- (d) Indicate in PIMS anytime it grants an extension to the deadlines in paragraph (B)(1)(a) or (B)(1)(b) of this rule.
- (3) ODA's designee does not have authority to impose more than one disciplinary action against a provider for the same episode of non-compliance.
- (4) ODA's designee may follow-up with the provider to verify compliance in the area of non-compliance. Follow-up may include site visits, requesting supplemental information, or reviewing records.
- (5) ODA may require ODA's designee to rescind or modify any pending disciplinary action.
- (C) Disciplinary actions imposed by ODA:
- (1) ODA may impose any discipline authorized under division (A)(2) of section 173.391 of the Revised Code.
- (2) ODA may consider any one or more of the following when imposing disciplinary action:
- (a) Whether the conduct is injurious or poses a threat to the health or safety of individuals being served.
- (b) The provider's previous disciplinary history.
- (c) Any other factors ODA may consider relevant.
- (D) A provider may appeal a disciplinary action listed in column B of table 1 to this rule unless the reason for the disciplinary action is listed under division (E) of section 173.391 of the Revised Code. As used in table 1 to this rule, "another sanction" does not include any of the disciplinary actions listed in column A of the table.

COLUMN A	COLUMN B
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Written warning	Fiscal sanction such as a civil monetary penalty or an order to repay unearned funds
Requirement to submit a plan of correction or provide evidence of compliance	Suspended certification
Suspended referrals	Revoked certification
Removal of clients	Another sanction

(E) The provider may request a hearing under Chapter 119. of the Revised Code only if it does before the deadline in that chapter.