



Ohio Administrative Code

Rule 3701-19-33 Issuance, denial, transfer, and revocation of a license.

Effective: December 26, 2013

(A) The director shall grant a license for provision of a pediatric respite care program to an applicant that complies with Chapter 3712. of the Revised Code and this chapter. A pediatric respite care program is licensed to provide:

- (1) Short-term inpatient care, including both palliative and respite care and procedures;
- (2) Nursing care by or under the supervision of a registered nurse;
- (3) Physicians' services;
- (4) Medical social services by a social worker under the direction of a physician;
- (5) Medical supplies, including drugs and biologicals, and the use of medical appliances;
- (6) Counseling for pediatric respite care patients and pediatric respite care patients' families; and
- (7) Bereavement services for respite care patients' families.

(B) The director shall provide electronic or written notice to the applicant granting a license or provide written notice of proposal to deny a license, within thirty days after receiving all information necessary to determine compliance with Chapter 3712. of the Revised Code and this chapter, including the reports of the inspection conducted pursuant to paragraph (A) of rule 3701-19-34 of the Administrative Code. This thirty-day period shall be extended if the director has received a complaint concerning an applicant. In such a case, the director shall conduct a complaint investigation within thirty days after receipt of the complaint and shall mail written notice of the determination regarding the license application within thirty days after completion of the complaint investigation.



(C) The license shall:

(1) Indicate the name and address of the pediatric respite care program location to which the applicant requested the license be issued;

(2) Indicate the facility patient capacity;

(3) Be valid for three years for the pediatric respite care program at the address indicated in the application except as provided for in paragraph (F) of this rule; and

(4) Be posted in a conspicuous place in the pediatric respite care program location issued the license.

(D) Subject to Chapter 119. of the Revised Code, the director may deny, suspend, or revoke a license if the licensee made any material misrepresentation in the application for licensure or if the pediatric respite care program no longer meets the requirements of Chapter 3712. of the Revised Code or this chapter.

(E) A pediatric respite care program that seeks to transfer its license to another or new location shall submit a license application and license application fee in accordance with paragraph (A) of rule 3701-19-32 of the Administrative Code. The application shall include all information required by paragraph (C) of rule 3701-19-21 of the Administrative Code and must be received by the director no later than ninety days prior to the current license expiration or ninety days prior to the proposed transfer or relocation, whichever occurs sooner.

(1) When reviewing a request for transfer of a license, the director may request any additional written information the director determines necessary to assess compliance with Chapter 3712. of the Revised Code and this chapter are met.

(2) The director shall allow a license to be transferred if the following criteria are met:

(a) The new location to which the pediatric respite care program license is to be transferred successfully passes a licensure inspection conducted in accordance with rule 3701-19-34 of the Administrative Code;



- (b) The pediatric respite care program currently meets all of the licensing requirements and there are no pending complaints against the pediatric respite care program under investigation. Any pending complaints shall be investigated within thirty days of the request for transfer and must be completed before any transfer of the license may occur;
 - (c) The pediatric respite care program is not undergoing any enforcement action at the time of the transfer or relocation or proposed transfer or relocation;
 - (d) The transfer or relocation is not due to a change in ownership or control;
 - (e) The pediatric respite care program continues to provide the full range of services at the new location that were required of the pediatric respite care program location that was issued the license;
 - (f) All pediatric respite patients' clinical records are available, upon request of the director, at the new location to which the pediatric respite license is to be transferred; and
 - (g) The approval to transfer the license may be granted with no less than sixty-one days remaining prior to the expiration of the current license.
- (3) The director shall notify the pediatric respite care program of whether or not the license may be transferred. If the director determines that the license is not transferable, the director shall provide the pediatric respite care program with an opportunity for a reconsideration:
- (a) The pediatric respite care program shall request a reconsideration in writing within thirty days of the mailing of the notice of determination.
 - (b) The request shall include any written documentation or other information not previously submitted to the director that the pediatric respite care program wishes to refute the determination.
 - (c) The director's final determination is not appealable under Chapter 119. of the Revised Code.
 - (d) The pediatric respite care program shall obtain a license for the new location prior to



commencing services at the new location.

(F) Upon written request, the director may grant a variance from any requirement of this chapter, that is not a statutory requirement, if the person or public agency requesting the variance establishes that because of practical difficulties or other special conditions, strict application of the requirement will cause unusual or unnecessary hardship and that the variance will not jeopardize the health, safety, or welfare of any pediatric respite patient or pediatric respite patient's family.