



## Ohio Administrative Code

### Rule 3701-36-12 Review process for assessing compliance.

Effective: December 25, 2011

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(A) The director may evaluate the extent to which local health departments comply with the minimum and optimal achievable standards established by Chapter 3701-36 of the Administrative Code by means of the review process provided in this rule. Each local health department which has certified that it is in compliance with minimum or optimal achievable standards in accordance with paragraph (A) of rule 3701-36-11 of the Administrative Code may be evaluated as frequently as the director deems necessary. Such an evaluation shall be conducted as follows:

(1) The director shall select at least one review team to conduct evaluations of compliance that may be composed of but not limited to one or more members of the staff of local health departments other than that which is being evaluated and of one member of the director's staff who shall serve as coordinator for the team. The review team shall perform an on-site visit to the local health department and may observe any activities and examine any records of the local health department;

(2) A local health department shall not refuse a review visit, fail to provide team members access to records, or otherwise interfere with the evaluation. The director may base a determination of noncompliance with one or more minimum or optimal achievable standards upon violation of this paragraph; and

(3) Within sixty days after the coordinator has received the reviewers' written reports of the on-site evaluation the director shall notify the local health department of a proposed determination as to the extent of the local health department's compliance with minimum and optimal achievable standards and of the right to an informal hearing under rule 3701-36-13 of the Administrative Code. The proposed determination shall become final if an informal hearing is not requested within the time specified by paragraph (A) of rule 3701-36-13 of the Administrative Code. If the hearing request is timely, the director shall issue a final determination in accordance with paragraph (B) of rule 3701-36-13 of the Administrative Code.

(B) The director shall not pay state subsidy to a local health department after the date a final



determination that the local health department does not comply with one or more minimum standards is issued. The director shall not pay state subsidy to a local health district for an optimal achievable standard after the date a final determination that the local health department does not comply with the standard is issued. For six months after the date the director issues a final determination that a local health department does not comply with minimum standards, the local health department shall not reapply for and shall not be paid state subsidy. Payments shall resume after the local health department is determined to have achieved compliance with the relevant standards.