



Ohio Administrative Code

Rule 5101:2-5-07 Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates.

Effective: January 1, 2025

(A) An application for an agency certificate or for any of the functions an agency intends to perform may be denied and an existing certificate or certification to perform specific functions may be revoked for any of the following reasons:

(1) An agency has failed to comply with any applicable requirement of Chapter 5101:2-5 of the Administrative Code or any requirement of any other applicable chapter of the Administrative Code relevant to the intended or certified functions of the agency.

(2) An agency has failed to comply with an approved corrective action plan for previously cited areas of noncompliance.

(3) An agency is found to have provided to the department any of the following:

(a) Misleading or false statements.

(b) Misleading or false reports.

(4) An agency has refused to admit onto its premises any person performing duties described in Chapter 5101:2-5 of the Administrative Code or other applicable chapters of the Administrative Code relevant to the intended or certified functions of the agency, state or federal law or regulations or municipal ordinance.

(B) All actions of the Ohio department of children and youth (DCY) with respect to denial or revocation is to be by prior adjudicatory hearing pursuant to and subject to the requirements of Chapter 119. of the Revised Code.

(C) Any act of omission or commission by an agency which results in the death, injury, illness, abuse, neglect or exploitation of a child in the care of the agency may be grounds for the revocation



or denial of the agency's certification to perform any or all certified functions. This is to include any situation in which an agency has failed to inform any agency employee of the employee's obligation, pursuant to section 2151.421 of the Revised Code, to report any knowledge or suspicion of any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another child, to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect has occurred or is occurring.

(D) At the time DCY proceeds with an agency denial or revocation, DCY is to notify all of the following of the proposed adjudication order:

- (1) Title IV-E courts.
- (2) Public children services agencies (PCSAs).
- (3) Private child placing agencies (PCPAs).
- (4) Any other person or entity DCY deems necessary.

(E) If an order of denial or revocation is not upheld after any administrative hearing held pursuant to Chapter 119. of the Revised Code or if an order of denial or revocation is overturned on appeal to a court of competent jurisdiction, DCY is to notify the decision to all entities that were notified pursuant to paragraph (D) of this rule.

(F) When DCY enters an adjudication order to deny or revoke an agency's certificate pursuant to Chapter 119. of the Revised Code, the agency and those parties identified as the principals of the agency is not to be eligible for any DCY certification for five years from the effective date of the denial or revocation or the exhaustion of all appeals, whichever is later. As used in this rule, "principal" means the agency's administrator(s) or director(s) and the agency's owners, partners, or members of the agency's governing body. In any denial or revocation action, DCY is to identify the principals of the agency against whom the denial or revocation action is taken.

(G) DCY may administratively close an agency application or certificate for the following:



- (1) Failure to provide an address change.
 - (2) Loss of contact after thirty calendar days.
 - (3) The applicant(s) are not eligible pursuant to paragraph (F) of this rule.
 - (4) An applicant refuses or fails to submit policy statements, application materials, plans or reports requested by DCY within the necessary time frames.
- (H) When DCY conducts an administrative closure as described in paragraph (G) of this rule, such action is not subject to administrative hearing rights under Chapter 119 of the Revised Code.