



Ohio Administrative Code

Rule 5123-11-02 Administrative resolution of complaints involving the Ohio department of developmental disabilities.

Effective: April 27, 2023

(A) Purpose

This rule establishes a procedure for the filing and resolution of complaints involving the programs, services, policies, or administrative practices of the Ohio department of developmental disabilities ("department") or an entity under contract with the department.

(B) Scope

(1) Any aggrieved person or organization, including a county board of developmental disabilities, may file a complaint involving the programs, services, policies, or administrative practices of the department or an entity under contract with the department except:

(a) An employee of the department may not file a complaint under this rule.

(b) A complaint regarding investigation of a major unusual incident will follow the procedure set forth in rule 5123-17-02 of the Administrative Code and is not subject to this rule.

(c) A matter subject to the medicaid appeal processes in section 5160.31 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code is not subject to this rule.

(d) A matter related to the early intervention program established under part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 through 1445, as in effect on the effective date of this rule, and 34 C.F.R. 303, as in effect on the effective date of this rule, is not subject to this rule.

(e) A matter over which another governmental entity or tribunal has jurisdiction is not subject to this rule.

(2) An aggrieved person or organization must follow the procedure set forth in this rule before



commencing a civil action.

(3) This rule is not intended to provide any right or cause of action that does not exist absent this rule.

(C) Procedure

(1) An aggrieved person or organization must file a complaint in writing with the director of the department within ninety calendar days of the action which is the subject of the complaint and include, to the extent known to the complainant:

(a) The facts giving rise to the complaint.

(b) The name, address, email address, and telephone number of each person involved in the complaint.

(c) Previous actions taken to resolve the complaint.

(d) A citation to any statute and/or administrative rule the complainant contends was not followed.

(2) The director of the department or the director's designee may:

(a) Obtain additional relevant information and conduct interviews with any relevant parties.

(b) Offer mediation to the parties involved in the complaint.

(3) The director of the department will issue a written decision within thirty calendar days of receipt of the complaint.

(4) The director of the department may extend the timelines set forth in this rule for good cause.