



Ohio Administrative Code Rule 5139-35-02 Approval process.

Effective: December 12, 2019

(A) Application

Any CRC which is designed to accommodate not more than one hundred fifty children at any one time, and which believes that it meets the requirements of Chapter 5139-35 of the Administrative Code, may apply for approval from the department. The department will post on their website when applications for new CRCs are being accepted.

(B) Procedure for approval

(1) As part of the application process, staff of the department will make an on-site visit to the facility and review supporting materials to determine the agency's compliance with the standards as set forth in Chapter 5139-35 of the Administrative Code.

(2) The department shall make a decision on the application and send one of the following to the applicant:

(a) A notice of approval - the applicant meets standards set forth in Chapter 5139-35 of the Administrative Code. The approval is effective on the date of the signature of the director or designee.

(b) A provisional approval - the applicant is temporarily unable to comply with one or more standards. The provisional approval will have a plan approved by the department to correct the areas of noncompliance in a stated time period. The provisional approval shall be issued for no more than six months and is not renewable.

(c) A notice of nonapproval - the applicant has not demonstrated its compliance with the standards set forth in Chapter 5139-35 of the Administrative Code. The notice of nonapproval shall cite the standard(s) which has/have not been met and shall be sent by certified mail.



(3) A notice of nonapproval is effective in thirty days unless appealed to the department. Such appeal shall include the right to have a peer review under the provisions of paragraph (D)(1) of this rule.

(4) Within thirty days following the receipt of the appeal, the department shall render a decision in writing by certified mail to the CRC or order that a hearing be conducted to consider legal or factual issues of the appeal.

(5) If a hearing is conducted, the department shall render a decision in writing by certified mail to the CRC within thirty days of the hearing. The decision of the department shall be final.

(C) Annual inspection

(1) All facilities shall submit to an annual inspection conducted by a department representative.

(2) The department shall be advised, in writing, of any proposed operational change of the CRC so that the department can determine whether the change is in conformance with Chapter 5139-35 of the Administrative Code.

(3) If the department believes that a CRC is in violation of provisions of Chapter 5139-35 of the Administration Code, it will issue a finding of non compliance and a request for a corrective action plan within in a timeframe established by the department.

(4) The department will not issue a certificate of compliance until all standards have been met.