



Ohio Revised Code

Section 5123.1612 Summary order suspending supported living certificate holder's authority to provide supported living.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) The director of developmental disabilities may issue a summary order suspending a supported living certificate holder's authority to provide supported living to one or more identified individuals if the director determines that both of the following are the case:

(1) The certificate holder's noncompliance with one or more requirements of this chapter or the rules adopted under it causes or presents an immediate danger of causing serious injury, harm, impairment, or death to the individual or individuals;

(2) The certificate holder does not remove the conditions that caused or presented an immediate danger of causing serious injury, harm, impairment, or death to the individual or individuals before the order is issued.

(B) An order issued under division (A) of this section applies only to the individual or individuals the director determines experienced or are in immediate danger of experiencing serious injury, harm, impairment, or death. An order issued under division (A) of this section takes immediate effect upon notification to the certificate holder. The county board of developmental disabilities for the county where the individual or individuals reside shall arrange for an alternative method of providing services to the individual or individuals until the order is lifted under division (E) of this section.

(C) The director shall notify, by telephone, the certificate holder and the county board of developmental disabilities for the county where the individual or individuals reside of the order immediately after issuing it. The director also shall provide written notice of the order by electronic or regular mail. Both the telephone notice and the written notice to the certificate holder shall inform the certificate holder of the right to request a reconsideration of the order under division (D) of this section.

(D) A certificate holder who is subject to an order issued under division (A) of this section may



request that the director reconsider the order within twenty-four hours after receiving the telephone notice under division (C) of this section. The director shall reconsider the order within twenty-four hours after receiving the request. At the certificate holder's option, the reconsideration may be conducted by an in-person meeting, telephone, or review of the certificate holder's written submission that accompanies the request. The director shall issue a decision on the reconsideration within twenty-four hours following the conclusion of the meeting, telephone conversation, or review of a written submission.

(E) The director shall lift an order issued under division (A) of this section if the director determines that the certificate holder has removed the conditions that led to the order and that the conditions will not recur.

(F) An order issued under division (A) of this section does not constitute an action against the holder of a supported living certificate described in section 5123.166 of the Revised Code and is not subject to that section or to Chapter 119. of the Revised Code.

(G) The director's issuance of an order under division (A) of this section does not preclude the director from taking any other action against the holder of a supported living certificate described in section 5123.166 of the Revised Code.