

5101:2-5-11 **Complaint handling.**

~~(A) Whenever the Ohio department of job and family services (ODJFS) has knowledge of or receives a complaint alleging that an agency is in violation of any of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47 or 5101:2-48 of the Administrative Code relative to the functions performed by the agency, or a person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate, ODJFS shall commence an investigation of the allegations within three working days.~~

(A) The Ohio department of job and family services (ODJFS) shall begin an investigation if either of the following apply:

(1) ODJFS has knowledge of rule noncompliance or receives a complaint alleging that an agency is in violation of any of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-52 or 5101:2-53 of the Administrative Code relative to the functions performed by the agency.

(2) A person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate.

(B) Whenever ODJFS receives any report concerning the operation of an agency that alleges child abuse or neglect has occurred or is occurring, ODJFS shall immediately refer the report to the appropriate public children services agency.

(C) At the commencement of a site investigation by ODJFS of a complaint, other than an abuse or neglect investigation, ODJFS shall contact the administrator or designee of the agency and explain the nature of the complaint.

(D) An agency shall cooperate with ODJFS in the investigation of any complaint and with the implementation of any required corrective action plans whenever an investigation finds a violation of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44 or 5101:2-48 of the Administrative Code as applicable to the functions performed by the agency.

(E) Upon completion of the investigation of a complaint, ODJFS shall conduct an exit interview with the administrator or designee. The purpose of the exit interview is to inform the administrator of the findings of the investigation. Any areas of noncompliance will be presented in writing on a citation of noncompliance and explained to the administrator or designee during the exit interview. The signature of the administrator or designee on the citation shall signify only that the administrator or designee has received the citation.

- (F) No agency shall recommend denial or revocation of a foster home certificate or discharge, demote, suspend, reduce board payments to a foster home, or threaten to recommend denial or revocation of a foster home certificate, discharge, demote, suspend, or in any manner discriminate against any foster caregiver or employee based on the foster caregiver or employee taking any of the following actions:
- (1) Making any good-faith oral or written complaint to ODJFS regarding a violation of any Administrative Code rules applicable to the functions performed by the agency;
  - (2) Instituting or causing to be instituted any proceeding against the agency under this chapter;
  - (3) Acting as a witness in any proceeding under this chapter;
  - (4) Refusing to perform work that constitutes a violation of any Administrative Code rule applicable to the agency's certified functions.
- (G) If the director of ODJFS determines that a person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate, the director may petition the court of common pleas in the county in which the person or organization is operating without a certificate for an order enjoining the person or organization from operating without a certificate.
- (H) If both of the following are the case, the director of ODJFS may petition the court of common pleas of any county in which an agency that holds a certificate issued under rule 5101:2-5-03 of the Administrative Code for an order to prevent the agency from receiving additional children into the agency's care or an order removing children from the agency's care:
- (1) ODJFS has evidence that the life, health, or safety of one or more children in the care of the agency is at imminent risk.
  - (2) ODJFS has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the agency's certificate.

Effective: 08/01/2009

R.C. 119.032 review dates: 02/10/2009 and 08/01/2013

CERTIFIED ELECTRONICALLY

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Certification

06/11/2009

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Date

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