

4751-1-12

Suspension or revocation of license.

- (A) The board shall suspend or revoke the license, or certificate of registration, or both, or the temporary license of a nursing home administrator if such licensee or temporary licensee:
- (1) Has willfully or repeatedly violated any of the provisions of chapter 4751. of the Ohio Revised Code or the rules adopted thereunder; or
 - (2) Has willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which he is the administrator; or
 - (3) Is guilty of, fraud or deceit in the practice of nursing home administration or in his admission to such practice; or
 - (4) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony; or
 - (5) Is unfit or incompetent by reason of negligence, habits, or other causes.
- (B) The following shall be deemed prima facie examples of those activities which demonstrate that a person is unfit or incompetent by reason of negligence, habits, or other causes to serve as a nursing home administrator:
- (1) Failure to make good faith attempts, via methods of administrative management, to assure that the nursing home in which he is the administrator conforms with the provisions of pertinent statutes, codes, rules and regulations of the licensing or supervising authority or agency, federal, state or local, having jurisdiction over the operation and licensing of nursing homes;
 - (2) Dependency upon or addiction to the use of alcoholic beverages or drugs regulated by the local, state and Federal Narcotics Law;
 - (3) Failure to conform with the requirement imposed by rule 3701-17-08(A) or the sanitary code;
 - (4) Failure to be responsible for planning, organizing, directing, and managing the operation of a nursing home in such manner to insure the safety, health and welfare of the patients in any facility under his supervision;
 - (5) Physical inability to serve as a nursing home administrator as evidenced by the

statement of two licensed physicians;

- (6) Mental incompetency declared by a decree of any court;
 - (7) Willfully permitting unauthorized disclosure of information relating to a patient in a nursing home under his administration;
 - (8) Lawful revocation or suspension by the duly constituted authorities of another state of any nursing home administrator's license which may have been issued said licensee by another state.
- (C) Licensed nursing home administrators governed by Chapter 4751. of the Ohio Revised Code, and by these rules, shall be disciplined in accordance with Chapters 4751. and 119. of the Ohio Revised Code.
- (D) Proceedings leading to suspension or revocation of the license or certificate of registration, or both, or the temporary license of a nursing administrator shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.

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4751-1-12

Suspension, revocation, and disciplinary action.

For the purposes of this rule, an individual licensee who accepts the privilege of practicing nursing home administration in this state is subject to the supervision of the board.

(A) The license or certificate of registration, or both, or the temporary license of any individual who practices or offers to practice nursing home administration shall be revoked or suspended by the board under any one or more of the following situations:

- (1) The individual is unfit or incompetent by reason of negligence, habits, or other causes.
- (2) The individual purposely, knowingly, recklessly, and/or negligently violated any of the provisions of Chapter 4751. of the Ohio Revised Code or this chapter; or purposely, knowingly, recklessly, and/or negligently acted in a manner that was inconsistent with the health and safety of the persons being served in the nursing home in which the individual is the administrator.
- (3) The individual has demonstrated by his or her actions, incompetence, untrustworthiness, dishonest practices or irresponsibility in the practice of nursing home administration.
- (4) The individual is guilty of fraud or deceit in the practice of nursing home administration or in the individual's admission to such practice.
- (5) The individual was convicted in a court of competent jurisdiction, either within or without this state, of a felony and/or failed to inform the board, in writing, within ten days of a conviction in a court of competent jurisdiction, either within or without this state, of a felony.
- (6) The individual was convicted of a misdemeanor in a court of competent jurisdiction, either within or without this state, within the course and scope of the practice of nursing home administration and/or has failed to inform the board, in writing, within ten days of a conviction of a misdemeanor in a court of competent jurisdiction, either within or without this state, within the course of and scope of the practice of nursing home administration.
- (7) The individual had any license or certification of registration denied, revoked, or suspended, or voluntarily surrendered any license or certificate of registration for any reason other than a failure to to renew, in Ohio or another state or jurisdiction.
- (8) The individual failed to appear before the board or its designee after being notified in writing by the board, unless a reasonable extension has been requested in writing and granted by the board or its designee.

(9) The individual failed to inform the board, in writing, before ten days after a change in business or personal address.

(10) The individual failed to renew the annual certificate of registration in a timely manner as defined in rule 4751-1-10.1 of the Administrative Code.

(B) Any one or more of the following is prima facie evidence that a person is unfit or incompetent by reason of negligence, habits, or other causes to serve as a nursing home administrator:

(1) The individual fails to make good faith attempts, via methods of administrative management, to assure that the nursing home in which the individual is the administrator conforms with the provisions of pertinent statutes, codes, rules and regulations of the licensing or supervising authority or agency, federal, state or local, having jurisdiction over the operation and licensing of nursing homes;

(2) The individual habitually or excessively uses controlled substances, or other habit-forming drugs, alcohol, or other chemical substances to an extent that impairs the individual's ability to comply with Chapter 4751. of the Revised Code or this chapter.

(3) The individual fails to conform with the requirement imposed by paragraph (A) of rule 3701-17-08 of the Administrative Code.

(4) The individual fails to be responsible for planning, organizing, directing, and managing the operation of a nursing home in such manner to insure the safety, health and welfare of the persons being served in any facility under the administrator's supervision.

(5) The individual has a physical inability to serve as a nursing home administrator as evidenced by the statement of two licensed physicians.

(6) The individual has a mental incompetency as declared by a decree of any court.

(7) The individual willfully permitted the unauthorized disclosure of information relating to a person being served in a nursing home under the individual's administration.

(8) The individual was issued a lawful revocation or suspension by the duly constituted authorities of another state of any nursing home administrator's license which may have been issued said licensee by another state.

(9) The individual fails to cooperate in any investigation concerning allegations to the administrator's or another licensee's or registrant's license or registration.

(10) The individual fails to adhere to any conditions set forth in a board-approved adjudication order or consent agreement.

(C) Licensed nursing home administrators governed by Chapter 4751. of the Ohio Revised Code, and by this chapter, shall be disciplined in accordance with Chapters 4751. and 119. of the Ohio Revised Code.