

Transfer and discharge rights.

- (A) A community alternative home may transfer or discharge a resident, in the absence of a request from the resident, only for the following reasons:
- (1) Charges for the resident's accommodations and services have not been paid within a reasonable time of the date which they became due;
 - (2) The medical condition of the resident requires care the home is not licensed to provide;
 - (3) The safety or welfare of the resident or of another resident requires a transfer or discharge;
 - (4) The license of the home has been revoked or renewal has been denied; or
 - (5) The operator is closing the home.
- (B) The home shall give a resident at least thirty days advance notice in writing of a proposed transfer or discharge unless the transfer or discharge is for a reason given in paragraphs (A)(2) to (A)(5) of this rule, and an emergency exists. In such a case, the notice shall be given as soon as possible. The notice shall set forth the reasons for the proposed transfer and discharge and, if the resident is entitled to a hearing, shall apprise him or her of this right and outline the procedure for requesting a hearing.
- (C) A resident is entitled to a hearing if the transfer or discharge is for a reason given in paragraphs (A)(1), (A)(2), or (A)(3) of this rule. The hearing for an emergency transfer or discharge based upon paragraph (A)(1), (A)(2) or (A)(3) of this rule may be conducted subsequent to the transfer or discharge.
- (D) A request for a hearing shall be submitted by the resident to the director within ten days after the resident receives written notice of the proposed transfer or discharge.
- (1) Upon receipt of a hearing request, the director shall provide written notification to the residence manager and the resident. The notification shall include the date, time, and place of the hearing and shall be provided at least five days before the scheduled hearing.
 - (2) The director shall hold the hearing not later than ten days after receiving the request for a hearing. A representative of the director shall preside over the hearing, which shall be conducted informally. The home and the resident may appear in person or by their attorneys or other representatives and may provide oral statements and written materials supporting their respective positions. If oral statements are given, the director's representative shall make a tape recording of the hearing. The hearing is not subject to section 121.22 of the Revised Code.
- (E) The director shall issue an order no later than five days after the hearing regarding the transfer or discharge of the resident. The order may prohibit or place conditions on the transfer or discharge. In the case of a transfer, the order

may require that the transfer be to an institution or facility specified by the director.

R.C. 119.032 review dates: 1/09/2009 and 01/01/2014

CERTIFIED ELECTRONICALLY
Certification

01/09/2009
Date

Promulgated Under: 119.03
Statutory Authority: 3724.05
Rule Amplifies: 3724.10
Prior Effective Dates: 8/29/1988 (Emer.), 11/27/1994