

**Wood County Board of Developmental Disabilities
PROCEDURE**

Policy #: 02-ALL-ALL-0850 (HR)

Subject: Denial, Suspension, and Revocation of Registration and Certification

Effective Date: 09-01-13

Last Revision: 11-07-2024

Person Responsible: Human Resources Coordinator

Approvals/Date:

Brent Coban 11/12/24
Superintendent, WCBDD Date

Julie Sprague 11/7/24
Department Director/Coordinator, WCBDD Date

The following definitions will apply:

Board – the Wood County Board of Developmental Disabilities

Disqualifying offense - any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code.

Superintendent – the Superintendent of the Wood County Board of DD

Director – Director of the Ohio Department of Developmental Disabilities

The Director of the Ohio Department of Developmental Disabilities has the jurisdiction to issue, deny, suspend, or revoke a registration or certification for Superintendent, Early Intervention Supervisor, Developmental Specialist, and Investigative Agent.

The Superintendent of the Wood County Board of DD has the jurisdiction to issue, deny, suspend, or revoke a registration or certification for adult services, business manager and service and support administration.

The Director or Superintendent will deny, suspend, or revoke a registration or certification if they find, pursuant to an adjudication, that the applicant for or holder of the registration or certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position.

The Director or Superintendent will deny or revoke a registration or certification if they finds, pursuant to an adjudication, that the applicant for or holder of the registration or certification has been convicted of, pleaded guilty to any (or multiple), or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in the paragraphs below:

- A. (E)(1)(a) of rule 5123-2-02 of the Administrative Code.
- B. (E)(1)(b) of rule 5123-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole.
- C. (E)(1)(c) of rule 5123-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole.
- D. (E)(1)(d) of rule 5123-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole.
- E. (E)(2) of rule 5123-2-02 of the Administrative Code has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole.

Applicants or holders of registration or certification must disclose a conviction that has been sealed. A conviction of or a plea of guilty to an offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code will not constitute grounds for the denial or revocation of a registration or certification if the requirements set forth in paragraph (F) of rule 5123-2-02 of the Administrative Code are met.

The Director or Superintendent shall deny or revoke a registration or certification if they find, pursuant to an adjudication, that the applicant has been included in one or more of the databases listed in paragraphs (C)(2)(a) to (C)(2)(f) of rule 5123-2-02 of the Administrative Code including:

- A. OIG List
- B. Abuser Registry (ORC 5123:52)
- C. Nurse Aide Registry (ORC 3721.32)
- D. Sex Offender and child-victim offender database
- E. The United States general services administration system for award management database
- F. Incarcerated and supervised offenders (ORC 5120.066)

The Superintendent has established an Adjudication Procedure for the denial, suspension and revocation of registration and certification for applicants and holders of adult services, early intervention, and service and support administration registration and certification.

- A. The superintendent will notify an applicant for or holder of registration or certification in writing if the superintendent intends to deny, suspend, or revoke the applicant's or holder's registration or certification. The notice will contain the following information:
 - (1) The right of the applicant for or holder of registration or certification to request a hearing within thirty days of the date of the notice.
 - (2) A statement that the applicant for or holder of registration or certification may appear in person or through an attorney.
 - (3) A statement that the applicant for or holder of registration or certification or the applicant's or holder's attorney may:
 - i) Present the applicant's or holder's position, arguments, or contentions entirely in writing; or
 - ii) If a hearing is requested, at the hearing may present evidence and examine witnesses appearing for and against them.
 - (4) That the failure to request a hearing will result in the denial, suspension, or revocation of the registration or certification.
- B. If the applicant or holder of registration or certification timely requests a hearing, the superintendent will appoint a hearing examiner to conduct the hearing. The hearing examiner will not be an employee of the county board. The hearing examiner will be admitted to the practice of law and possessed of such qualifications as to be able to render a neutral and informed decision.
- C. The hearing examiner will notify the applicant for or holder of registration or certification of the time, date, and place of the hearing. If

the applicant for or holder of registration or certification is unable to attend the hearing as scheduled, the applicant or holder may request that the hearing be rescheduled. The hearing examiner will determine if rescheduling the hearing is warranted and make efforts to schedule the hearing at a time, date, and place mutually convenient.

- D. At least fifteen days prior to the date set for the hearing upon request by either party, the superintendent and the applicant for or holder of registration or certification will exchange witness lists and lists of exhibits to be introduced at the hearing. The hearing examiner may extend the time for good cause shown.
- E. Both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the superintendent. The superintendent shall provide for a complete stenographic record of the proceedings, and upon request, a copy of the record will be furnished to the applicant for or holder of registration or certification at no cost.
- F. The hearing examiner will issue a written report and recommendation setting forth findings of fact, conclusions of law, and a recommendation for the superintendent within ten calendar days of the hearing. Within five calendar days of receipt of the report and recommendation, the superintendent will serve the report and recommendation upon the applicant for or holder of registration or certification or the applicant's or holder's attorney.
- G. Within ten days of receipt of the report and recommendation, the applicant may file written objections with the superintendent. The superintendent will issue a decision and serve upon the applicant for or holder of registration or certification and the applicant's or holder's attorney. The superintendent's decision is final.

An applicant whose application for superintendent or investigative agent certification is disapproved based upon the applicant's failure to meet the requirements of this rule, may request in writing, within thirty days of the rejection, an administrative review by the director.

References: ORC 109.572
 ORC 3721.32
 ORC 5120.066
 ORC 5123.52
 ORC 5126.25
 OAC 5123-2-02
 OAC 5123-5-01
 OAC 5123-5-02
 OAC 5123-5-03
 OAC 5123-5-04
 OAC 5123-5-05
 OAC 5123-5-07
 OAC 5123-5-08

Procedures: 02-ALL-ALL-0844 (HR)

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