

3304-4-04

Disciplinary causes and procedures.

- (A) Any one of the following shall constitute a violation by the applicant/participant of program rules and be cause for suspension or removal of an applicant/participant from the program:
- (1) ~~Determination~~A determination by the Ohio department of taxation, the bureau of workers' compensation, the Ohio department of job and family services, or the internal revenue service of non-payment of employer taxes required by federal/state law;
 - ~~(2) Non-payment of assistant for services billed to RSC;~~
 - ~~(3)~~(2) Failure to pay a personal care assistant ~~in full~~for all services billed to OOD and/or failure to pay a personal care assistant within two weeks after receipt of reimbursement from RSCOOD;
 - ~~(4)~~(3) Paying an assistant for services not rendered;
 - ~~(5)~~(4) Utilizing any program funds as personal income;
 - ~~(6)~~(5) Falsifying information submitted to RSCOOD or to the local community rehabilitation program, including but not limited to reimbursement billings; employment, job seeking, or training information; assistant time; and payroll records;
 - ~~(7)~~(6) Misrepresenting the need for program funds to RSCOOD or to the local community rehabilitation program during application or any other time thereafter;
 - ~~(8)~~(7) Not responding within a designated time frame to a request for information or for a home visit by a local community rehabilitation program and/or RSCOOD in accordance with paragraph (B)(2) of this rule;
 - ~~(9)~~(8) Failure to report permanent change of residency; ~~and~~
 - ~~(10)~~(9) Failure to ~~abide by the provision set forth in paragraph (F)(4) of rule 3304-4-02 of the Administrative Code~~complete the annual review within the specified time frames; and.
 - (10) More than one written notice from the PCA program over the course of the PCA case, including notice of any of the items listed above or other suspicious activity.

(B) If RSCOOD or a local community rehabilitation program has reason to believe that a participant is or has been engaging in any activity listed in ~~paragraphs~~paragraph (A) ~~to (A)(6)~~ of this rule, the following steps shall be taken:

- (1) RSCOOD and the local community rehabilitation program shall inform each other of the alleged problem.
- (2) The program coordinator for the RSCOOD personal care assistance program shall gather and review any appropriate information, which may include information requested from the participant or the results of a visit made by a local community rehabilitation program or RSCOOD representative to the participant's residence. If it is determined there is cause to believe that an applicant/participant has violated program rules, the PCA program coordinator shall present the information, any related ~~information~~evidence, and a recommendation for action to his/her supervisor within ten working days of becoming aware of the problem.
- (3) The supervisor, within ten working days of receipt of ~~said~~the recommendation from the PCA program coordinator, may approve, disapprove, or modify the recommendation and shall inform the participant of the decision. If the decision is to suspend or remove the participant, the participant shall be sent a notice in writing by certified mail, return receipt requested. The following information shall be included in the notice:
 - (a) All of the charges or other reasons for the proposed action;
 - (b) The ~~paragraph that is directly involved~~specific program rules that are alleged to have been violated;
 - (c) That a request for a hearing may~~shall~~ be made in writing ~~or on tape~~ to the RSCOOD executive director within twenty working days of the mailing date of the notice;
 - (d) That, if a hearing is timely requested, it shall be granted, and if a hearing is not requested, the proposed action will be taken; and
 - (e) That, if a hearing is timely requested, it shall be held in accordance with Chapter 119: of the Revised Code. At the hearing the participant may appear and legally represent himself/herself, or be represented by an attorney (any fee for this counsel shall be assumed by the participant), or present positions, arguments, contentions in writing ~~or tape recording; and that at~~. At the hearing the participant or an attorney may

present evidence and examine witnesses for and against him or her.

- (4) A copy of the notice shall be mailed to attorneys or other representatives of record representing the participant.
- (C) If a hearing is requested, it shall be held in accordance with section 119.09 of the Revised Code.