



Ohio Administrative Code Rule 3304:1-21-09 Program penalties.

Effective: February 18, 2022

(A) When a service charge or other payment owed to the BE program is unpaid, incomplete, or late, the BE program manager shall proceed as follows:

(1) If this is the first occurrence for the operator in the current federal fiscal year, the operator shall receive a written warning.

(2) If this is the second occurrence for the operator in the current federal fiscal year, a fee of one hundred dollars shall be applied to the current balance owed and be added to the billing invoice for the next service charge.

(3) If this is the third occurrence or more for the operator in the current federal fiscal year, a fee of two hundred dollars shall be applied to the current balance owed and be added to the billing invoice for the next service charge and the operator shall be placed on a performance improvement plan.

(B) Each occurrence in a federal fiscal year shall result in a progression of the fees. The progression of penalties and fees shall be on a per-facility basis. In addition to the fees and actions cited in this rule, the operator shall be charged a fifty dollar program service fee for payments returned for insufficient funds.

(C) Each operator shall have the opportunity to use an emergency excuse not to exceed one use per federal fiscal year. The request for an emergency excuse shall be made before the payment is due. In the instance of an excused late payment, the payment shall be submitted within fifteen calendar days of the original due date.

(D) Any unpaid program charges more than sixty days past due shall be assessed a twenty-five per cent late fee which shall be added to the total of unpaid program charges and forwarded to the state of Ohio, attorney general's office, for collections in accordance with section 131.02 of the Revised Code.



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(E) On certification to the attorney general's office for past due program charges, BE may revoke an operator's license in accordance with rule 3304:1-21-13 of the Administrative Code unless all certified amounts are paid in full within one hundred twenty days of certification.