



## Ohio Administrative Code

### Rule 5123-3-10 Licensed residential facilities - procedures to waive rule requirements.

Effective: November 19, 2020

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#### (A) Purpose

This rule sets forth procedures for the director to waive a condition or specific requirement of a rule in Chapter 5123:2-3 of the Administrative Code or a rule in another chapter of the Administrative Code adopted by the department to license or regulate the operation of residential facilities.

#### (B) Definitions

For the purposes of this rule, the following definitions apply:

- (1) "Business day" means a day of the week, excluding Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.
- (2) "Department" means the Ohio department of developmental disabilities.
- (3) "Director" means the director of the Ohio department of developmental disabilities or his or her designee.
- (4) "Licensee" has the same meaning as in section 5123.19 of the Revised Code.
- (5) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

#### (C) Procedures

- (1) For good cause, the director may waive a condition or specific requirement of a rule in Chapter 5123:2-3 of the Administrative Code or a rule in another chapter of the Administrative Code adopted by the department to license or regulate the operation of residential facilities. The director's decision to waive a condition or specific requirement shall not be contrary to the rights, health, or safety of



individuals living in a residential facility.

(2) A licensee may initiate a request for the director to waive a condition or specific requirement by submitting the request in writing.

(a) The director may require or solicit input regarding the licensee's request from individuals living in the residential facility, the individuals' guardians, or the county board of developmental disabilities for the county in which the residential facility is located.

(b) The director shall grant or deny a request submitted by a licensee within ten business days of receipt of the request or within such longer period of time as the director deems necessary.

(c) The director may put whatever conditions on approval of a request as the director deems necessary.

(d) The director's decision to grant or deny a request is final and may not be appealed.