



Ohio Administrative Code Rule 5139-37-02 Approval process.

Effective: October 31, 2000

(A) Application

- (1) Any detention center which believes that it meets the requirements of Chapter 5139-37 of the Administrative Code, may apply for approval and financial assistance on forms provided by the department.
- (2) A new applicant may apply to the department at any time. However, a period of sixty days may be required to process the application.
- (3) Renewal applicants should submit, on an annual basis, a formal application on forms provided by the department, sixty days prior to the expiration of their current approval.
- (4) All information requested on the application and supporting schedules shall be completed by the applicant. Information requested on the application and supporting schedules, which does not apply to the applicant, shall be indicated as "not applicable."
- (5) The application must be signed by the appropriate authority and forwarded to the department.
- (6) A budget worksheet will be provided by the department with the application form and will be used to determine the eligibility of funding sources and operating expenses. Information is to be furnished for the proposed fiscal budget and the prior completed fiscal year of operation.
 - (a) Funding sources - All sources of funding are to be reported on the budget worksheet in order that eligibility for funding by the department may be determined.
 - (i) Nongeneral revenue funds - For purposes of subsidy allocation determination, the following are considered to be nongeneral revenue funds:



- (a) Federal grants;
 - (b) State of Ohio grants;
 - (c) Support payments by the guardian of the committed child;
 - (d) Per diem charges received;
 - (e) All other funding sources, except county general revenue.
- (ii) Eligible funds - The determination of eligibility shall be funds generated through the county general revenue fund. This also includes appropriated funds to be used as matching and in-kind funds for various federal and state subsidies and rotaries designed to fund the detention center.
- (b) Operating expenses - All anticipated expenditures for the proposed fiscal year shall be reported in the budget worksheet in the categories indicated. A chart of accounts will be provided by the department with the application form and shall be used to determine what category various expenses are to be reported under.
- (B) Procedure for approval
- (1) As part of the application process, staff of the department will make an on-site visit to the facility and review supporting materials to determine the agency's compliance with the standards as set forth in Chapter 5139-37 of the Administrative Code.
 - (2) The department shall make a decision on the application and send one of the following to the applicant:
 - (a) A notice of approval if the applicant meets standards set forth in Chapter 5139-37 of the Administrative Code. The approval is effective on the date of the signature of the director.
 - (b) A provisional approval if the applicant is temporarily unable to comply with one or more standards. The provisional approval will have a plan approved by the department to correct the areas



of noncompliance in a stated time period. The provisional approval shall be issued for no more than six months and is not renewable.

(c) A notice of nonapproval if the applicant has not demonstrated its compliance with the standards set forth in Chapter 5139-37 of the Administrative Code. The notice of nonapproval shall cite the standard(s) which has/have not been met and shall be sent by certified mail.

(3) A notice of nonapproval is effective in thirty days unless appealed to the director of the department. Such appeal shall include the right to have a peer review under the provisions of paragraph (D)(1) of this rule.

(4) Within thirty days following the receipt of the appeal, the director shall render a decision in writing by certified mail to the detention center or order that a hearing be conducted to consider legal or factual issues of the appeal.

(5) If a hearing is conducted, the director shall render a decision in writing by certified mail to the detention center within thirty days of the hearing. The decision of the director shall be final.

(C) Duration of approval

(1) All approvals will automatically expire one year from the date of issuance, unless revoked sooner or unless an application for reapproval has been timely received and has not been finally acted upon.

(2) The department shall be advised, in writing, of any proposed operational change of the detention center so that the department can determine whether the change is in conformance with Chapter 5139-37 of the Administrative Code.

(D) Revocation of approval

(1) If the department believes that a detention center is in violation of provisions of Chapter 5139-37 of the Administration Code, it will inform the detention center of its intention to issue a letter of revocation under provisions of paragraph (D)(2) of this rule. The detention center will be informed of its right to request a peer review. The department shall establish policy and procedure which



govern: (a) the decision to grant a peer review; and (b) the peer review process.

(2) The failure of a detention center to maintain compliance with the provisions of Chapter 5139-37 of the Administrative Code may result in the revocation of approval of the detention center. Such revocation shall be in writing, specifying the provision(s) of Chapter 5139-37 of the Administrative Code which has/have been violated.

(3) A revocation is effective in thirty days unless appealed to the director of the department.

(4) Within thirty days following the receipt of the appeal, the director shall render a decision in writing by certified mail to the detention center or order that a hearing be conducted to consider legal or factual issues of the appeal.

(5) If a hearing is conducted, the director shall render a decision in writing by certified mail to the detention center within thirty days of the hearing. The decision of the director shall be final.