



Office of Provider Standards & Review

John Kasich, Governor
John L. Martin, Director

**CERTIFIED MAIL RETURN
RECEIPT REQUESTED**
Certified Mail # 7012 1640 0001 8222 0138

June 28, 2013

Open Arms
Attn.: Melissa Stoll
360 Reynolds
Toledo, OH 43615

Re: **Order Suspending Certifications**
DODD Provider Certification: #4803761
ODJFS Medicaid: #2819472

Individual Options Waiver

<i>Homemaker Personal Care</i>	<i>Effective: 5/13/08</i>
<i>HPC Transportation</i>	<i>Effective: 5/13/08</i>
<i>Adult Day Support</i>	<i>Effective: 5/13/08</i>
<i>Supported Employment- Community</i>	<i>Effective: 5/13/08</i>
<i>Supported Employment- Enclave</i>	<i>Effective: 5/13/08</i>
<i>Vocational Habilitation</i>	<i>Effective: 5/13/08</i>
<i>Non-Medical Transportation Mileage</i>	<i>Effective: 5/13/08</i>
<i>Non-Medical Transportation Per-Trip</i>	<i>Effective: 5/13/08</i>
<i>Adult Foster Care</i>	<i>Effective: 5/13/08</i>
<i>Community Respite</i>	<i>Effective: 3/23/12</i>
<i>Residential Respite</i>	<i>Effective: 3/23/12</i>

Level One Waiver

<i>Homemaker Personal Care</i>	<i>Effective: 5/13/08</i>
<i>HPC Transportation</i>	<i>Effective: 5/13/08</i>
<i>Adult Day Support</i>	<i>Effective: 5/13/08</i>
<i>Supported Employment- Community</i>	<i>Effective: 5/13/08</i>
<i>Supported Employment- Enclave</i>	<i>Effective: 5/13/08</i>
<i>Vocational Habilitation</i>	<i>Effective: 5/13/08</i>
<i>Non-Medical Transportation Mileage</i>	<i>Effective: 5/13/08</i>
<i>Non-Medical Transportation Per-Trip</i>	<i>Effective: 5/13/08</i>
<i>Community Respite</i>	<i>Effective: 7/01/13</i>
<i>Residential Respite</i>	<i>Effective: 7/01/13</i>

Self-Empowered Life Funding Waiver

<i>Adult Day Support</i>	<i>Effective: 7/1/12</i>
<i>Supported Employment- Enclave</i>	<i>Effective: 7/1/12</i>
<i>Vocational Habilitation</i>	<i>Effective: 7/1/12</i>
<i>Non-Medical Transportation Mileage</i>	<i>Effective: 7/1/12</i>
<i>Non-Medical Transportation Per-Trip</i>	<i>Effective: 7/1/12</i>
<i>Community Respite</i>	<i>Effective: 7/1/12</i>
<i>Residential Respite</i>	<i>Effective: 7/1/12</i>

Dear Ms. Stoll:

Please be advised that effective as of the above date, the Ohio Department of Developmental Disabilities (Department) has issued this order suspending your Individual Options Waiver, Level One Waiver and Self-Empowered Life Funding Waiver provider certifications from beginning to serve any individuals not currently being served by your agency.

Ohio Revised Code 5123.166

(A) If good cause exists as specified in division (B) of this section ...the director of developmental disabilities may issue an adjudication order requiring that one of the following actions be taken against a person or government entity seeking or holding a supported living certificate:

...

(3) Suspension of a supported living certificate holder's authority to do either or both of the following:

...

(b) Begin to provide supported living to one or more individuals from one or more counties who do not receive supported living from the certificate holder at the time the director takes the action.

(B) The following constitute good cause for taking action under paragraph (A) of this section against a person or government entity seeking or holding a supported living certificate:

...

(4) Mifeasance

(5) Malfeasance

(6) Nonfeasance

(7) Confirmed abuse or neglect

(8) Financial Irresponsibility

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.

(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;

The Supported Living Provider, Level One Waiver, Self Empowered Life Funding Waiver, and Individual Options Waiver certifications are all considered "supported living certificates" because each of them are considered "supported living" services as defined O.R.C. §§ 5123.01(Z), 5126.01(U).

The basis for this action is as follows:

Areas of non-compliance that present significant risks to the health and safety of individuals that your agency provides services to as identified in a special review that was completed on 5/15/13. It is additionally noted, the agency was subject to a special review in 2008 in which they received nine citations and a regular review 2010 in which they were issued twelve citations. A review of all three compliance reviews evidenced that the agency had

received a number of citations that were the same or similar in nature and have been unable to maintain prior plans of correction.

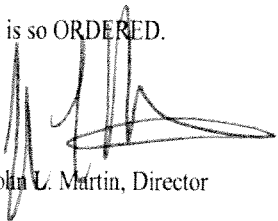
This warrants suspension of your certifications.

You are hereby advised that you are entitled to a hearing in accordance with Chapter 119 of the Ohio Revised Code regarding this suspension provided you request such a hearing and your request is received by the below named individual within ten (10) days of receipt of this letter. At any such hearing, you may appear in person or be represented by an attorney, or you may present your position, argument, or contention in writing, and you may present evidence and examine witnesses appearing for and against you. Corporation and limited liability companies must be represented by an attorney licensed to practice law in Ohio.

If you would like a hearing, please submit your request to Brad Singer, Associate General Counsel, Ohio Department of Developmental Disabilities, 30 East Broad Street, 12th Floor, Columbus, Ohio 43215.

If you timely request a hearing, you have the right to have the hearing held within 30 days of the Department's receipt of your request.

It is so ORDERED.



John L. Martin, Director

c: *John Trunk, Superintendent, Lucas County Board of Developmental Disabilities*
Kelly Miller, Assistant Deputy Director, Ohio Department of Developmental Disabilities
Hank Sellan, IAA Coordinator, Bureau of Community Access, ODJFS
Alan Kidder, Provider Compliance Manager, ODJFS
Kathryn Haller, Chief Legal Counsel, Ohio Department of Developmental Disabilities Legal Services
Brad Singer, Associate General Counsel, Ohio Department of Developmental Disabilities Legal Services
Angel Morgan, Manager, Provider Certification, Ohio Department of Developmental Disabilities
Vanessa Prather, Review Manager, Ohio Department of Developmental Disabilities
Theresa Ryan, Review Manager, Ohio Department of Developmental Disabilities
Journal Entry
File