

## \*\*\* DRAFT - NOT YET FILED \*\*\*

4765-23-01

**Investigation**Fire service investigation process.

AMEND

- (A) All complaints filed with the division shall be in writing. The division will not investigate anonymous complaints, unless the complaints pertain to the knowledge examinations, instructional methods examinations, or practical skills examinations.
- (B) Based on the findings of a completed investigation, the executive director, with advice and counsel of the committee, may initiate disciplinary proceedings in accordance with Chapter 119. of the Revised Code.
- (C) If the executive director, with advice and counsel of the committee, determines that no further action on a complaint is warranted, then the case will be closed accordingly. Affected parties will be notified in accordance with law.
- (D) No member of the committee who participates in an investigation shall participate in further adjudication of the case.
- (E) The division shall conduct investigations in such a manner as to protect patient confidentiality.

4765-23-02

**Administrative**Fire service administrative actions.

[Comment: For dates and availability of material incorporated by reference in this rule; see ~~paragraph (CC) in rule 4765-11-01~~rule 4765-25-02 of the Administrative Code.]

(A) The executive director, with advice and counsel of the firefighter and fire safety inspector training committee and pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code, may suspend, revoke, restrict, refuse to issue, or refuse to renew a firefighter, fire safety inspector, hazard recognition officer, or instructor certificate issued by the executive director, or impose a fine not to exceed one thousand dollars, if the executive director finds the certificate holder has done any of the following:

(1) Was convicted for any of the following:

(a) Any felony offense;

(b) A misdemeanor committed in the course of practice;

(c) A misdemeanor involving moral turpitude;

(2) Failed to satisfy continuing education, training, or certification requirements of Chapter 4765-20 and Chapter ~~4765-20~~4765-21 of the Administrative Code;

(3) Violated any condition of a consent agreement or an order issued by the executive director;

(4) Violated any provision of Chapter 4765. of the Revised Code or Chapters ~~4765-11, and~~ 4765-20 to ~~4765-23~~4765-25 of the Administrative Code.

(B) The executive director, with advice and counsel of the firefighter and fire safety inspector training committee and pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code, may suspend, revoke, restrict, refuse to issue, or refuse to renew a fire charter or classification issued by the executive director, or impose a fine not to exceed one thousand dollars, if the executive director finds the chartered program, applicant, or authorizing official has done any of the following:

(1) Failed to meet standards set forth in Chapter ~~4765-11~~4765-24 of the Administrative Code;

(2) Furnished false, misleading, or incomplete information to the executive director;

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- (3) Violated any commitment made in an application for a charter;
  - (4) Presented to prospective students misleading, false, or fraudulent information relating to any programs, employment opportunities, or opportunities for enrollment in chartered institutions of higher education after entering or completing courses offered by the chartered program;
  - (5) Failed to maintain premises and equipment in a safe condition;
  - (6) Discriminated in the acceptance of students on the basis of age, race, color, religion, gender, sexual orientation, or national origin;
  - (7) Failed to follow "NFPA ~~standard~~ 1403";
  - (8) Violated any condition of a consent agreement or an order issued by the executive director;
  - (9) Violated any provision of Chapter 4765. of the Revised Code or Chapters ~~4765-11, and~~ 4765-20 to ~~4765-23~~4765-25 of the Administrative Code.
- (C) The executive director, with advice and counsel of the committee, may deem any disciplinary action to be permanent.
- (D) If the executive director, with the advice and counsel of the committee, imposes a fine upon a certificate holder, the division shall notify the certificate holder via an adjudication order or pursuant to a consent agreement. The certificate holder shall submit payment within the time parameters set forth in the adjudication order or consent agreement.
- (E) If the executive director imposes disciplinary action on the basis of a conviction listed in this rule, and such conviction is overturned on appeal, the certificate holder, on exhaustion of the criminal appeal process, may file with the executive director a petition for reconsideration of the discipline along with the appropriate court documents. Upon receipt of such petition and documents, the executive director shall reinstate the certificate holder's certificate.

4765-23-03

**Report Fire service report of administrative actions.**

- (A) When the executive director takes administrative action against a firefighter, fire safety inspector, hazard recognition officer, fire ~~service~~ instructor, assistant fire instructor, live fire instructor, or fire safety inspector instructor certificate or fire charter, the division shall advise:
- (1) The person against whom such action is taken;
  - (2) The certificate holder's employer, if known;
  - (3) Any state or public agencies for which such notice is appropriate.
- (B) All administrative actions issued by the executive director may be published in the division of EMS newsletter or on the division's website.
- (C) The division may compile on an annual basis a report detailing the complaints received, investigations conducted, and administrative actions taken.