



**Board of Executives of
Long-Term Services & Supports**

Mike DeWine, Governor
Deborah Veley, Executive Director

**BEFORE THE STATE OF OHIO
BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS**
246 N. High Street, 1st Floor
Columbus, Ohio 43215

IN RE:
SUITABILITY OF ARIEL HYMAN

CASE NO: 11-20-01

TO BE LICENSED AS A NURSING HOME
ADMINISTRATOR IN THE STATE OF OHIO:

June 3, 2021

Ariel Hyman

NOTICE OF OPPORTUNITY FOR HEARING

Dear Mr. Hyman,

In accordance with Chapter 119 and Chapter 4751 of the Ohio Revised Code (“Revised Code”), you are hereby notified that the Board proposes to suspend or revoke your license as a Nursing Home Administrator in the state of Ohio and/or impose any other sanction authorized by Chapter 4751 of the Revised or Administrative Codes. The grounds for such action are alleged below.

1. On or about July 23, 2012, you were issued a license to practice as a nursing home administrator by the Board of Executives of Long-Term Services and Supports (“BELTSS”).
2. On or about October 13, 2020, you were employed as the Licensed Nursing Home Administrator at The Montefiore Home in Beachwood, Ohio.
3. On or about October 13, 2020 you were allegedly told by the facility’s Director of Nursing that although the residents of a unit of Montefiore Home were supposed to be administered COVID tests, the tests were not administered, and blank swabs were being sent to the laboratory. You told the Director of Nursing to “send off the swabs” and “do what you need to do to control the survey”
4. On or about October 19, 2020 you told the facility’s compliance officer that you were notified of a problem with the COVID 19 testing swabs and immediately reported it to Human Resources. You denied having any prior knowledge of the issue at the time you reported it.

5. On or about October 22, 2020, you admitted to the compliance officer that you were told that the residents were not swabbed for COVID-19 and that blank swabs were sent to the laboratory. You also admitted that you told the Director of Nursing to send the blank swabs to the laboratory.
6. An investigation conducted by the facility concluded you had failed to see that the required protocols and procedures for overseeing COVID-19 testing of residents were followed, and that, further, you intentionally directed or condoned the actions taken by your staff.

COUNT ONE

The conduct as alleged in paragraphs 1–9 above constitutes incompetence, untrustworthiness, dishonest practices or irresponsibility in the practice of nursing home administration in violation of Administrative Code 4751-1-12(A)(3).

COUNT TWO

The conduct as alleged in paragraphs 1-9 above constitutes being guilty of fraud or deceit in the practice of nursing home administration or in admission to such practice in violation of Revised Code 4751.10 (C) and Administrative Code 4751-1-12(A)(4).

COUNT THREE

The conduct as alleged in paragraphs 1-9 above constitutes being unfit or incompetent to practice nursing home administration, serve in a leadership position at a long-term services and supports setting, or direct the practices of others in such a setting by reason of negligence, habits, or other causes...in violation of Revised Code 4751.32 (A)(3).

COUNT FOUR

The conduct as alleged in paragraphs 1-9 above constitutes acting in a manner inconsistent with the health and safety of the residents of the nursing home at which the individual practices nursing home administration in violation of Revised Code 4751.32(A)(4)(a).

COUNT FIVE

The conduct as alleged in paragraphs 1-9 above constitute substantial deviation from the Board's code of ethics in violation of Revised Code 4751.32(A)(8), to wit you failed to exercise appropriate supervision and responsibility over the activities of personnel, you failed to protect, support, and promote resident rights as required by state and federal laws, and you failed to take appropriate steps to protect care recipients from abuse, neglect, and exploitation.

COUNT SIX

- (1) The conduct as alleged in paragraphs 1-9 above constitutes failing to make good faith attempts via methods of administrative management to assure that the nursing home...conforms with the provisions of pertinent statutes, codes, rules and regulations of the licensing or supervising authority or agency, federal, state, or local, having

jurisdiction over the operation and licensing of nursing homes...in violation of Administrative Code 4751-1-12(B)(1) .

COUNT SEVEN

- (1) The conduct as alleged in paragraphs 1-9 above constitutes failing to be responsible for planning, organizing, directing, and managing the operation of a nursing home...in such manner to insure the safety, health, and well-being of the persons being served in any facility under the administrator's supervision in violation of Administrative Code 4751-1-12(B)(4).

Pursuant to Chapter 119 of the Revised Code, you are hereby notified that you are entitled to a hearing in this matter. If you wish to request such a hearing, the request for a hearing must be received by the Board within thirty (30) days of the mailing of this Notice. The request should be in writing and directed to:

Deborah Veley
Executive Director
Board of Executives of
Long-Term Services and Supports
246 N. High St., 1st Floor
Columbus, Ohio 43215
Telephone: (614) 466-5114
dveley@age.ohio.gov

At the hearing, you may appear in person, by an attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments or contentions in writing and, at the hearing, you may present evidence and examine witnesses appearing for and against you.

If no hearing is requested, the matter will proceed to the Board for decision where the Board may impose any sanction allowed by law.

SENT BY ORDER OF THE STATE OF OHIO BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

Deborah Veley, LNHA, HSE, LISW
Executive Director of the Board