



## Ohio Revised Code Section 3721.99 Penalty.

Effective: July 4, 2023

Legislation: House Bill 33

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(A) If the director of health determines that a violation of sections 3721.01 to 3721.17 of the Revised Code has occurred, the director may do any of the following:

(1) Request a licensee to submit an acceptable plan of correction to the director stating all of the following:

(a) The actions being taken or to be taken to correct the violation;

(b) The time frame for completion of the plan of correction;

(c) The means by which continuing compliance with the plan of correction will be monitored.

(2) In accordance with Chapter 119. of the Revised Code, impose a civil monetary penalty as follows:

(a) For violations that result in no actual harm with the potential for more than minimal harm that is not a real and present danger to one or more residents, that are cited more than once during a fifteen-month period from the exit of an inspection, a civil penalty of not less than two thousand dollars and not more than three thousand dollars.

(b) For violations that result in actual harm that is not a real and present danger to one or more residents, a civil penalty of not less than three thousand one hundred dollars and not more than six thousand dollars.

(c) For violations that result in a real and present danger to one or more residents, a civil penalty of not less than six thousand one dollars and not more than ten thousand dollars.

(d)(i) For violations of sections 3721.10 to 3721.17 of the Revised Code, other than a violation of



division (E) of section 3721.17 of the Revised Code, a civil penalty of not less than one thousand dollars and not more than five thousand dollars for a first offense. For each subsequent offense, the violator may be fined not less than two thousand dollars and not more than ten thousand dollars.

(ii) For violations of division (E) of section 3721.17 of the Revised Code, a civil penalty up to five thousand dollars for each offense.

(e) For violations of division (A) or (C) of section 3721.05 or division (B) of section 3721.051 of the Revised Code shall be fined five thousand dollars for a first offense. For each subsequent offense, the violator shall be fined ten thousand dollars.

(3) In accordance with section 3721.03 of the Revised Code, revoke a license to operate.

(B) All monies collected by the director under division (A) of this section shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and the rules adopted under it.

(C) In determining a civil monetary penalty under division (A)(2) of this section, the director shall consider all of the following:

(1) The number of residents directly affected by the violation;

(2) The number of staff involved in the violation;

(3) Any actions taken by the home to correct or mitigate the violation, including the timeliness and sufficiency of the home's response to the violation and the outcome of that response;

(4) Any concurrent federal penalties being imposed for the same violations by the United States centers for medicare and medicaid services, which shall reduce any civil monetary penalty imposed under this section by the same amount;

(5) The home's history of compliance.



(D) If the director determines the need for a civil monetary penalty under this section, the director may enter into settlement negotiations with the affected home. Settlements may include any of the following:

(1) A lesser civil monetary penalty than initially proposed;

(2) Allowing the home to invest an amount equal to or less than the proposed civil monetary penalty on remedial measures or quality improvement initiatives designed to reduce the likelihood of similar violations occurring in the future, which, unless authorized by the director, shall be conducted or undertaken by a third party;

(3) Other penalties warranted by the deficient practice and negotiations between the director and the home.

(E) Whoever violates division (D) of section 3721.031 or division (E) of section 3721.22 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(F) Whoever violates section 3721.66 of the Revised Code is guilty of tampering with an electronic monitoring device, a misdemeanor of the first degree.