



## Ohio Revised Code

### Section 3722.08 Imminent threat of harm.

Effective: September 30, 2021

Legislation: House Bill 110 - 134th General Assembly

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(A) As used in this section, "imminent threat of harm" means imminent danger of serious physical or life-threatening harm to one or more occupants of a hospital.

(B) If, in the judgment of the director of health, an imminent threat of harm exists at any licensed hospital, the director may petition the court of common pleas of the county in which the hospital is located for such injunctive relief as is necessary to close the hospital, suspend a service within the hospital, transfer one or more occupants to other hospitals or other appropriate care settings, or otherwise eliminate the imminent threat of harm. The court has jurisdiction to grant such injunctive relief upon a showing that there is an imminent threat of harm. In such court proceeding, the hospital shall have an opportunity, before the court enters an order granting injunctive relief, to present evidence to the court that an imminent threat of harm does not exist or has been remedied.

(C)(1) If the director determines that an imminent threat of harm exists at a licensed hospital and elects not to immediately seek injunctive relief under division (B) of this section, the director may give written notice of proposed action to the hospital. The notice shall specify all of the following:

- (a) The nature of the conditions giving rise to the imminent threat of harm;
- (b) The measures that the director determines the hospital must take to respond to the conditions;
- (c) The date on which the director intends to seek injunctive relief under division (B) of this section if the director determines that an imminent threat of harm remains at the hospital.

(2) If the licensed hospital notifies the director, within the time specified pursuant to division (C)(1)(c) of this section, that it believes the conditions giving rise to the imminent threat of harm have been substantially corrected, the director shall conduct an inspection to determine whether an imminent threat of harm remains. If the director determines on the basis of the inspection that an imminent threat of harm remains, the director may petition under division (B) of this section for



injunctive relief.

(D) On finding that the imminent threat of harm for which injunctive relief was granted under division (B) of this section has been eliminated and that the hospital has demonstrated the capacity to prevent the imminent threat of harm from recurring, the court shall lift the injunctive relief.

If the imminent threat of harm cannot be eliminated practicably within a reasonable time, the court may order the hospital to close, transfer all patients to other hospitals or other appropriate care settings, or suspend a service.

(E) The director of health shall give notice of proposed action under this section to the following:

- (1) The hospital's administrator;
- (2) The hospital's statutory agent.

A notice shall be delivered by hand or certified mail. If mailed, the notice shall be addressed to the persons specified in this section, as indicated in the department of health's records. If hand delivered, the notice shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them.