



Ohio Administrative Code

Rule 3701-7-04 Inspections; compliance.

Effective: March 30, 2026

- (A) The director of health will monitor compliance with Chapter 3711. of the Revised Code and Chapter 3701-7 of the Administrative Code. The director may conduct inspections of a maternity home as often as deemed necessary based upon the compliance history of the maternity home, but at least once every three years, to adequately monitor compliance. The inspections may be scheduled and announced or random and unannounced as follows:
- (1) The triennial inspection will be scheduled and announced; and
 - (2) All other inspections may be random and unannounced.
- (B) The director may conduct an inspection to investigate alleged violations of Chapter 3711. of the Revised Code and Chapter 3701-7 of the Administrative Code. The director will inform the complainant and the facility of the results of the inspection.
- (C) The fee for inspections conducted by the director pursuant to Chapter 3711. of the Revised Code include:
- (1) Inspection fee of seven hundred and fifty dollars for each of the following:
 - (a) Maternity home;
 - (b) On-site follow-up;
 - (c) Complaint;
 - (d) Environmental; and
 - (e) Monitoring.
 - (2) Desk review fee of three hundred twenty five dollars.
- (D) If the director determines the existence of a violation of any provision of Chapter 3711. of the Revised Code or Chapter 3701-7 of the Administrative Code, the director may request the licensee to submit an acceptable plan of correction to the director stating the actions being taken or to be taken to correct a violation, the time frame for completion and the means by which continuing compliance will be monitored; and may:
- (1) In accordance with Chapter 119. of the Revised Code, impose a civil penalty based on the severity of the violation between one thousand dollars and not more than ten thousand dollars as follows:



3701-7-04

2

- (a) Violations that present an imminent threat of serious physical or life threatening danger, or an immediate serious threat to the emotional health, safety or security of one or more residents;
 - (b) Violations that directly threaten physical or emotional health, safety, or security of one or more residents; and/or
 - (c) Violations that indirectly threaten or potentially threaten the physical or emotional health, safety, or security of one or more residents.
- (2) Summarily suspend a license issued under this chapter if the director believes that there is clear and convincing evidence that the continued operation of the maternity home presents a danger of immediate and serious harm to residents. If the director suspends a license, the director is obligated to issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. The order will:
- (a) Not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the license holder subject to the suspension requests an adjudication, the date set for the adjudication will be within fifteen days but not earlier than seven days after the license holder makes the request, unless another date is agreed to by both the license holder and the director. The summary suspension will remain in effect, unless reversed by the director, until a final adjudication order is issued by the director pursuant to this chapter and Chapter 119. of the Revised Code becomes effective; and
 - (b) Issue a final adjudication by the director not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension will be void, but any final adjudication order issued subsequent to the ninety-day period will not be affected.
- (3) Revoke a license issued under this chapter if the director determines that a violation of a rule under this chapter has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger to one or more residents.
- (4) In accordance with Chapter 119. of the Revised Code, for a second or subsequent violation of Chapter 3711. of the Revised Code or this chapter, or for an initial violation the director determines has caused or poses an imminent threat of serious physical or life-threatening danger, issue an order that the home will cease operation.



3701-7-04

3

- (E) If the director issues an order revoking or suspending a license issued under this rule and the license holder continues to operate a maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the license holder is located for an order enjoining the license holder from operating the home. The court will grant the order on a showing that the person is operating the maternity home.
- (F) In determining which of the actions to take under paragraph (D) of this rule, the director may consider, but is not limited to, the following factors:
- (1) The danger of serious physical or life-threatening harm to one or more residents, including a determination whether the harm presents an:
 - (a) Imminent threat of serious physical or life threatening danger, or an immediate serious threat to the emotional health, safety, or security one or more residents;
 - (b) Direct threat to the physical or emotional health, safety, or security of one or more residents; and/or
 - (c) Indirect threat or potential threat to the physical or emotional health, safety, or security of one or more residents;
 - (2) The number of residents directly affected by the violation;
 - (3) The number of staff involved in the violation;
 - (4) Whether the maternity home took appropriate actions to correct the violation; and
 - (5) The compliance history of the maternity home.