



Ohio Administrative Code

Rule 3701-73-02 Administrative Fines-Violations of Reporting Requirements-Chapter 3701 of the Revised Code.

Effective: February 3, 2005

(A) As used in this rule an "incident" means any definitive and separate occurrence of failing to report any single suspected or confirmed case whose reporting is required division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (B) of section 3701.25, division (B) of section 3707.06, or division (C) of section 3701.201 of the Revised Code.

(B) Any person who violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (B) of section 3701.25, division (B) of section 3707.06, or any poison control center or other health-related entity that fails to comply with division (C) of section 3701.201 of the Revised Code is subject to fines specified in this rule.

(C) Whenever a health commissioner having jurisdiction over the location where the incident occurred becomes aware of an incident, the health commissioner shall immediately inform the director of health with as much other information relative to the incident as is available.

(D) The director of health may consider the scope and severity of any violation as well as the violator's history of compliance in determining the amount of any administrative fine issued pursuant to this rule. Pursuant to an adjudication order issued by the director of health under Chapter 119. of the Revised Code, administrative fines imposed under this rule may be imposed as follows:

(1) One hundred to two hundred fifty dollars per incident if there is no history of non-compliance and the incomplete or non-reporting has not threatened or harmed the public's health or the operations of the Ohio department of health;

(2) Two hundred fifty-one to three hundred fifty dollars per incident if there is a history of non-compliance and the incomplete or non-reporting has not threatened or harmed the public's health or the operations of the Ohio department of health;

(3) Three hundred fifty-one to five hundred dollars per incident if there is no history of non-



compliance, but the incomplete or non-reporting has threatened or harmed the public's health or the operations of the Ohio department of health

(4) Five hundred one to seven hundred fifty dollars per incident if there is a history of non-compliance and the incomplete or non-reporting has threatened or harmed the public's health or the operations of the Ohio department of health, or the incomplete or non-reporting appears intentional.

(E) If one or more violations by the same person have been reported within the previous twelve months, the director of health may impose the administrative fine at the next level of severity provided in paragraph (D) of this rule.