



Ohio Administrative Code Rule 3701-84-05 Compliance actions.

Effective: August 1, 2017

(A) If any provider of a HCS fails to comply with section 3702.14 of the Revised Code or Chapter 3701-84 of the Administrative Code, the director shall provide the HCS a reasonable and appropriate amount of time to correct the violation and, in accordance with Chapter 119. of the Revised Code, may:

(1) Impose a civil penalty based on the severity of the violation as follows:

(a) For 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 patients, a civil penalty of not less than one hundred thousand dollars and not more than two hundred and fifty thousand dollars;

(b) For violations that directly threaten physical or emotional health, safety, or security of patients, a civil penalty of not less than ten thousand dollars and not more than one hundred thousand dollars;

(c) For violations that indirectly threaten or potentially threaten the physical or emotional health, safety, or security of patients, a civil penalty of not less than one thousand dollars and not more than ten thousand dollars; and

(2) Issue an order that the HCS cease operation:

(a) For a second or subsequent violation of section 3701.14 of the Revised Code or Chapter 3701-84 of the Administrative Code; or

(b) For an initial violation that the director has determined to cause or pose an imminent threat of serious physical harm or life-threatening danger.

(B) In determining which of the actions to take under paragraph (A) of this rule, the director may consider the following factors:



- (1) The danger of serious physical or life-threatening harm to one or more patients utilizing the health care service;
- (2) The nature, duration, gravity, and extent of the violation;
- (3) The number, if any, of patients directly affected by the violation;
- (4) Whether the violation directly relates to patient care and the extent of the actual or potential harm to patients;
- (5) The number of staff involved in the violation;
- (6) The actions taken by the provider of the HCS to correct the violation; and
- (7) The provider of the HCS's history of compliance.