



Ohio Revised Code

Section 3711.13 Variances and waivers regarding operation of maternity homes.

Effective: July 10, 2014

Legislation: House Bill 315 - 130th General Assembly

(A) A board of health may grant a variance from or waiver of any of the requirements established in rules adopted under section 3711.12 of the Revised Code regarding the operation of a maternity home.

(B) Each maternity home seeking a variance or waiver shall file an application with the board of health of the city or general health district in which the maternity home is located. The application shall be made on the form and in accordance with the procedures specified in rules adopted under section 3711.12 of the Revised Code.

(C) The board of health shall review all applications received. Not later than forty-five days after receiving an application, the board shall determine whether to grant the variance or waiver and shall notify the applicant in writing of the board's decision.

(D) Both of the following apply to a board of health in determining whether to grant a variance or waiver:

(1) A variance shall be granted to an applicant if the board determines that the intent of a requirement has been met by the applicant in an alternate manner.

(2) A waiver shall be granted if the board determines that strict application of a requirement would cause an undue hardship to the applicant and that granting the waiver would not jeopardize the health and safety of any patient or resident.

(E) If a board of health denies a variance or waiver requested by a maternity home, the home may appeal the denial by filing a notice of appeal with the director of health. The notice must be filed not later than thirty days after the board's denial of the request.

Not later than forty-five days after the notice of appeal is filed, the director shall either affirm the



board's denial or grant the variance or waiver. The director shall notify the board and the maternity home in writing of the director's action.

(F) Notwithstanding any other provision of this section, the director may void the board's granting of a waiver or variance issued under this section. The director shall notify the board and the maternity home in writing of the director's action not later than forty-five days after the decision to void.