

**3701-83-03      General provisions and prohibitions.**

- (A) Except as provided in section 3702.301 of the Revised Code and paragraph (B) of this rule, no person or agency of state or local government shall operate an HCF without a current valid license issued by the director under section 3702.30 of the Revised Code or operate an HCF when the license has been suspended or revoked.
- (B) Except as provided in division (C) of section 3702.301 of the Revised Code and paragraph (C) of rule 3701-83-59 of the Administrative Code, a freestanding birthing center is not required to obtain a license under section 3702.30 of the Revised Code if all of the following are the case:
  - (1) A religious denomination, sect, or group owns and operates the center and has provided written notice to the director of the following:
    - (a) An attestation by the administrator or director that the center will be owned and operated by members of a religious denomination, sect, or group and that requiring that the center be licensed significantly abridges or infringes on the religious practices and beliefs of that religious denomination, sect, or group;
    - (b) An attestation by the administrator or director that the center will be admitting, retaining, and providing care exclusively to women members of a religious denomination, sect, or group that owns and operates the center;
    - (c) The name of owner(s) and identification of what religious denomination, sect, or group they are members of;
    - (d) The name of proposed administrator or director of patient services and identification of what religious denomination, sect, or group they are members of;
    - (e) The name of board members and identification of what religious denomination, sect, or group they are members of;
    - (f) The name of the Ohio-licensed physician(s) who will provide obstetrical and/or pediatric consultation and oversight of the center;
    - (g) The number and type of staff (e.g., traditional midwives, certified professional midwives, apprentice midwives, state-licensed health care professionals) who will provide services in the center;
    - (h) The number of admissions and deliveries at the center to date if services have commenced at the center prior to providing this notice;
    - (i) What arrangements are in place with a hospital for transfer of a mother or newborn in the event of medical complications; and
    - (j) How and by whom each expectant mother will be assessed prior to admission.
  - (2) The center provides care only during low-risk pregnancy, delivery, and the immediate postpartum period exclusively to women who are members of that religious denomination, sect, or group;

- (3) The center monitors and evaluates the care provided to its patients in accordance with at least the minimum patient safety monitoring and evaluation requirements of rule 3701-83-57 of the Administrative Code; and
  - (4) The center meets the quality assessment and improvement standards established in rule 3701-83-58 of the Administrative Code.
- (C) No person or agency of state or local government shall:
- (1) Interfere with an inspection or investigation of an HCF by the director; or
  - (2) Materially misrepresent any information provided to the director pursuant to section 3702.30 of the Revised Code and Chapter 3701-83 of the Administrative Code.
- (D) Each HCF shall comply with all applicable state and federal laws and regulations.
- (E) Nothing in this chapter shall be construed to alter or affect the law with respect to the corporate practice of medicine and surgery, osteopathic medicine and surgery, or dentistry.
- (F) The HCF shall have an identifiable governing body responsible for the following:
- (1) The development and implementation of policies and procedures and a mission statement for the orderly management of the HCF;
  - (2) The evaluation of the HCF's quality assessment and performance improvement program on an annual basis; and
  - (3) The development and maintenance of a disaster preparedness plan, including evacuation procedures.
- (G) Each HCF shall either maintain documentation of appropriate liability insurance coverage of the staff and consulting specialists or inform patients that the staff member or consulting specialist does not carry malpractice insurance.
- (H) No HCF shall permit any person to smoke inside the HCF. The HCF shall post a notice in a conspicuous place within the HCF stating that smoking is prohibited inside the HCF.
- (I) Nothing in this chapter shall be construed as authorizing individuals to provide services outside their licensed scope of practice.
- (J) The owner, administrator, and medical director shall be competent to perform the respective responsibilities.
- (K) An HCF may arrange for services to be provided through a contract with an outside resource. The HCF shall retain professional management responsibility for contracted services and shall ensure that those services are furnished in a safe and effective manner.

Effective: 07/01/2016

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CERTIFIED ELECTRONICALLY

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Certification

04/22/2016

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Date

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