

**OHIO DEPARTMENT OF HEALTH'S POLICY STATEMENT REGARDING
IMPLEMENTATION OF EXECUTIVE ORDER 2008-04S**

Executive Order 2008-04S, "Implementing Common Sense Business Regulation," paragraph 5(f), provides:

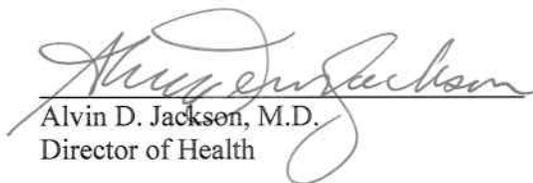
Agencies should, when appropriate, waive penalties for first-time or isolated paperwork or procedural regulatory noncompliance. Each cabinet agency, board and commission shall prepare and publish on its website a policy describing the circumstances in which such waivers will be granted.

The Ohio Department of Health ("ODH" or "the Department") is committed to the goal of ensuring that regulated customers have the opportunity to achieve compliance with ODH's procedural requirements. Therefore, when it is both feasible and appropriate, ODH will provide one (1) warning letter to a regulated customer who commits a first time or isolated violation of a "minor" paperwork or procedural requirement, such as failing to submit a timely and complete license renewal application or other required documentation to ODH. ODH will not impose a civil monetary penalty for such a violation, and will give the customer a reasonable amount of time to correct the violation, unless:

- 1) the violation constitutes a failure to comply with federal laws or regulations enforced by ODH, and the penalty is mandated by federal law;
- 2) the Director of Health or one of his designees has determined that the violation poses an actual or potential threat to the health, safety, or welfare of the general public;
- 3) the violation involves knowing or willful conduct that may result in conviction for a felony;
- 4) failure to impose the penalty would impede or interfere with the detection of criminal activity; or
- 5) the violation pertains to the assessment or collection of any monies owed to the state.

This Policy Statement should not be construed as a waiver of ODH's authority to enforce any law or regulation requiring a person or entity to obtain a valid permit or license before engaging in regulated activity, or enforce any other state or federal law.

If you have any questions about this Policy Statement or ODH's implementation of Executive Order 2008-04S, please contact Robert Jennings, the Department's Regulatory Ombudsman, at (614) 644-8562.


Alvin D. Jackson, M.D.
Director of Health