

3701-84-05 Compliance actions.

- (A) If any provider of a HCS fails to comply with any requirements of section 3702.14 of the Revised Code and 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 may:
- (1) In accordance with Chapter 119. of the Revised Code, 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) In accordance with Chapter 119. of the Revised Code, for a second or subsequent violation of section 3701.14 of the Revised Code or Chapter 3701-84 of the Administrative Code, or for an initial violation the director determines has caused or poses an imminent threat of serious physical or life-threatening danger, issue an order that the HCS cease operation.
- (B) In determining which of the actions to take under paragraph (A) of this rule, the director may consider all of 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.

R.C. 119.032 review dates 05/11/2012 and 05/01/2017

CERTIFIED ELECTRONICALLY

Certification

05/11/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3702.11, 3702.13
Rule Amplifies: 3702.12, 3702.13, 3702.14, 3702.141, 3702.15,
 3702.16, 3702.18, 3702.19, 3702.20
Prior Effective Dates: 3/1/1997, 3/24/03