



Ohio Revised Code

Section 3721.081 Summary orders.

Effective: September 30, 2021

Legislation: House Bill 110 - 134th General Assembly

(A) Notwithstanding any action the director of health may take under section 3721.08 of the Revised Code, if the director determines immediate action is necessary to protect resident health or safety because a home has neglected or refused to act with sufficient promptness or efficiency to protect resident health or safety, the director may do either or both of the following before a home is provided notice and an opportunity for a hearing under Chapter 119. of the Revised Code:

(1) Issue orders, including specifying actions that a home must take immediately to address resident health and safety;

(2) Take direct action to protect resident health or safety if the home fails to act on an order issued pursuant to division (A)(1) of this section.

(B)(1) Subject to divisions (B)(2) and (3) of this section, orders that may be issued and direct action that may be taken under this section include all of the following:

(a) Removing a threat to resident health or safety;

(b) Transferring residents to another home or appropriate care setting until a threat to resident health or safety is resolved;

(c) Appointing a temporary administrator for a home for the duration of an order;

(d) Issuing any other order or taking any other action as necessary to protect the health or safety of residents of a home.

(2) The director shall not enter a home pursuant to this section unless the director provides the operator with notice at least twenty-four hours in advance.



(3) The director's authority to transfer residents under this section is subject to both of the following:

(a) If the reason for the transfer is due to an environmental condition affecting the home, the director may transfer only those residents directly affected by the environmental condition.

(b) If the reason for the transfer is due to a clinical condition that affects the entire home, the director may transfer all residents for the lesser of thirty calendar days or until the date that the condition is no longer affecting the home. If the condition persists longer than thirty calendar days, the director shall provide the home a notice regarding the reason for determining that the condition is still affecting the home. The home may request a hearing regarding the notice in accordance with this section.

(C) Any expenses incurred by a home to comply with an order issued under this section shall be borne by the home.

If a hearing is conducted in accordance with this section and the director is found to have acted in violation of this section, all reasonable expenses incurred by the home as a result of the director's action shall be reimbursed to the home by the department of health within ninety days after the date that the final adjudication order is issued.

(D) If a home fails to comply with an order issued under this section, the director shall issue an order imposing a fine of not more than one hundred thousand dollars for each instance of noncompliance. Any fine imposed shall be reasonably commensurate to the harm caused by the home, and the home may request a hearing as to the fine's reasonableness in accordance with this section.

(E) All fines collected under this section shall be deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(F) A home subject to an order or action under this section may request a hearing under Chapter 119. of the Revised Code. The request must be received by the director within fifteen days after the notice of the order was mailed. If the home timely requests a hearing, the date set for the hearing shall be within ten days after the home requested the hearing, unless otherwise agreed to by both the director and the home.



An order issued under this section shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue the final adjudication order not later than thirty days after completion of the hearing.

A home may appeal a final adjudication order in accordance with Chapter 119. of the Revised Code.