



Ohio Administrative Code Rule 3701-22-04 Prohibitions.

Effective: September 14, 2024

(A) Upon licensure or temporary licensure as a hospital by the director of health or September 30, 2024, whichever is sooner, no person and no political subdivision, agency, or instrumentality of this state may operate a hospital without holding a license or a temporary license issued by the director of health under section 3722.03 of the Revised Code.

(B) If the director of health determines that a hospital is operating without a license or temporary license in violation of chapter 3722. of the Revised Code or this chapter, the director may do any of the following:

(1) Notify the hospital that it is operating without a license or a temporary license and provide it with an opportunity to apply for licensure, but only within the thirty-day period beginning on the date the hospital received the director's notice;

(2) Direct the hospital to cease operations;

(3) Impose a civil penalty of not more than two hundred fifty thousand dollars;

(4) In addition to the imposition of a civil money penalty, impose a penalty of not less than one thousand dollars and not more than ten thousand dollars for each day the hospital operates without a license or temporary license.

(C) If the hospital described in section (B) of this rule continues to operate without a license or a temporary license, the director may petition the court of common pleas of the county in which the hospital is located for an order enjoining the hospital from operating.

(D) No person and no political subdivision, agency, or instrumentality of this state may:

(1) Interfere with an inspection or investigation of a hospital, maternity unit, or health care service.



As used in this paragraph, "interfere" means to obstruct directly or indirectly any individual conducting an authorized inspection or investigation from carrying out his or her duties, including:

(a) Harassment;

(b) Intimidation;

(c) Refusal to permit the director upon presentation of official department identification, to inspect or investigate the operation of a hospital, maternity unit, or health care service; or

(d) Refusal to permit the director upon presentation of official department identification to enter and inspect records that are kept concerning the operations of the hospital, maternity unit, or health care service, for information necessary to determine compliance with the applicable rules of this chapter.

(2) Materially misrepresent any information provided to the director pursuant to chapter 3722. of the Revised Code and this chapter.

(E) Nothing in this chapter is to be construed as authorizing individuals to provide services outside their licensed scope of practice.