



Ohio Administrative Code

Rule 3701-86-06 Compliance actions, revocation of registration, and unregistered installation of a newborn safety incubator.

Effective: February 1, 2024

(A) When the director of the Ohio department of health determines that a failure to comply with the rules set forth in Chapter 3701-86 the Administrative Code exists, the entity or individual may be subject to enforcement in accordance with Chapter 119. of the Revised Code as follows:

(1) A fine of five hundred dollars may be imposed for:

(a) Failure of an authorized location to register or renew a registration for a newborn safety incubator as required by paragraph (A) of rule 3701-86-01 of the Administrative Code;

(b) Failure of an authorized location to submit the required annual attestation of compliance as required by paragraph (B) of rule 3701-86-01 of the Administrative Code;

(c) Use of an unregistered installer by an authorized location;

(d) Failure of an installer, as authorized in paragraph (A) of rule 3701-86-02 of the Administrative Code, to register in accordance with paragraph (B) of rule 3701-86-02 of the Administrative Code; or

(e) Failure of an authorized entity or installer to comply with any of the additional requirements set forth in Chapter 3701-86 of the Administrative Code.

(2) Following the imposition of an initial five hundred dollar penalty, a fine of one thousand dollars may be imposed for any continued non-compliance with any of the requirements set forth in Chapter 3701-86 of the Administrative Code.

(3) A fine of five thousand dollars will be imposed upon any entity or individual for the installation of a newborn safety incubator at an unauthorized location.

(4) The director may revoke the registration of an authorized location or an installer for continued



non-compliance with any of the requirements set forth in Chapter 3701-86 of the Administrative Code.

(5) Notwithstanding section 119.06 of the Revised Code, if the director determines that immediate action is necessary to protect the health and safety of infants surrendered to a newborn safety incubator, the director may issue a cease and desist order pursuant to this chapter prior to affording the location or installer the opportunity for a hearing. If the director does so, the director will issue the order in writing and cause it to be delivered in accordance with section 119.07 of the Revised Code.

(B) The imposition of penalties imposed under this rule may be appealed in accordance with Chapter 119. of the Revised Code.

(C) If the department issues more than one order, any administrative hearing resulting from such orders may be consolidated into one hearing. Consolidation of the hearings does not affect any effective dates prescribed in the orders.

(D) All amounts collected from the imposition of fines pursuant to this rule, will be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code for use in the administration and enforcement of this chapter.