



Ohio Revised Code

Section 3722.02 Hospital license requirement; exemptions.

Effective: September 30, 2021

Legislation: House Bill 110 - 134th General Assembly

(A) It is the intent of the General Assembly in enacting Chapter 3722. of the Revised Code to require each hospital operating in this state to be licensed by the director of health. Beginning on the date that is three years after the effective date of this section , any reference to a hospital contained in the Revised Code in a chapter other than Chapter 3722. of the Revised Code shall be construed to mean a hospital licensed under Chapter 3722. of the Revised Code.

(B) Beginning on the date that is three years after the effective date of this section , no person and no political subdivision, agency, or instrumentality of this state shall operate a hospital without holding a license issued by the director of health under section 3722.03 of the Revised Code.

(C) Division (A) of this section does not apply to any of the following:

- (1) A hospital operated by the federal government;
- (2) An ambulatory surgical facility or other health care facility licensed as described in section 3702.30 of the Revised Code;
- (3) A nursing home or residential care facility licensed under Chapter 3721. of the Revised Code;
- (4) A hospital or inpatient unit licensed under section 5119.33 of the Revised Code;
- (5) A residential facility as defined in section 5119.34 of the Revised Code;
- (6) A residential facility as defined in section 5123.19 of the Revised Code;
- (7) A community addiction services provider as defined in section 5119.01 of the Revised Code;
- (8) A facility providing services under a contract with the department of developmental disabilities



under section 5123.18 of the Revised Code;

(9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients;

(10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients;

(11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice;

(12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients;

(13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code.

(D)(1) If the director of health determines that a hospital is operating without a license in violation of this section, the director shall do any of the following:

(a) Notify the hospital that it is operating without a 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;

(b) Direct the hospital to cease operations;

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

(d) In addition to the penalty described in division (D)(1)(c) of this section, 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.

(2) If the hospital described in division (D)(1) of this section continues to operate without a 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.