

3701-7-03

License application; issuance; renewal.

(A) Application for a license to operate a maternity unit and newborn care nursery, a newborn care nursery, a maternity home, or renewal of an existing license, shall be made either in writing on a form provided by the director and signed by the applicant or the applicant's agent or using an electronic system prescribed by the director and affirmed by the applicant or the applicant's agent, and shall include the following:

(1) A nonrefundable application or renewal fee based upon the level classification as follows:

(a) Level I obstetrical service and level I neonatal care service, one thousand two hundred fifty dollars;

(b) Level II obstetrical service and level II neonatal care service, one thousand seven hundred fifty dollars;

(c) Level III obstetrical service and level III neonatal care service, two thousand two hundred fifty dollars;

(d) Level IV obstetrical service and level IV neonatal care service, two thousand two hundred fifty dollars;

~~(d)~~(e) Freestanding children's hospital with a level III neonatal care service, two thousand two hundred fifty dollars; ~~or~~

(f) Freestanding children's hospital with a level IV neonatal care service, two thousand two hundred fifty dollars; or

~~(e)~~(g) Maternity home, seven hundred fifty dollars;

(2) The name to appear on the license;

(3) The particular premises in which the business will be carried out;

(4) The proposed licensed capacity for obstetric patients including a listing of the following beds; ~~and~~

(a) Triage;

(b) Labor;

(c) Labor, delivery, recovery;

(d) Labor, delivery, recovery, postpartum;

(e) Recovery;

(f) Postpartum; and

(g) Antepartum; and

(5) The proposed licensed capacity for infants, including a listing of the following bassinets:

(a) Rooming in;

(b) Well-baby nursery;

(c) Holding nursery;

(d) Special care unit; and

(e) Neonatal intensive care unit.

~~(5) For a level II neonatal care service or a level III neonatal care service, the proposed sublevel classification.~~

(B) Each provider of an obstetric service shall provide commensurate neonatal care services, except:

(1) A level IV obstetric care service may provide either a level III or level IV neonatal care service; or

(2) As provided for in rule 3701-7-11 of the Administrative Code.

Nothing in this paragraph prohibits an obstetric service from entering into an agreement with a freestanding children's hospital with a level III or level IV neonatal care service to manage the neonatal care service for the obstetric service. However, the licensee is ultimately responsible for the operation of both services.

~~(B)~~(C) The license renewal fee specified in paragraph (A) of this rule shall be paid not later than sixty days after the director of health mails an invoice for the fee to the license holder. A penalty of ten per cent of the amount of the renewal fee shall be assessed for each month the fee is overdue.

~~(C)~~(D) Upon receipt of a completed application, the director shall send a copy of the application to the board of health of the health district in which the maternity unit

and newborn care nursery, newborn care nursery, or maternity home is located. The board of health of the health district shall:

- (1) Approve the application, unless the maternity unit, newborn care nursery, or maternity home is in noncompliance with any applicable local health regulation; and
- (2) Notify the director of its determination within thirty days of receipt of the application.

~~(D)~~(E) If the board of health of the health district does not provide the notice required by paragraph (C)(2) of this rule, the application will be deemed to be approved by the board of health of the health district.

~~(E)~~(F) The director shall issue a license to the applicant if it is determined that the applicant is in compliance with Chapter 3711. of the Revised Code and applicable rules within Chapter 3701-7 of the Administrative Code. The license shall state the following:

- (1) The name of the licensee;
- (2) The particular premises in which the business will be carried out~~The licensed capacity;~~
- (3) The level or, in the case of a level IV obstetric service, the levels of care of the both the obstetric and neonatal care service, if different;
- ~~(3)~~(4) The particular premises in which the business will be carried out~~The licensed capacity for obstetric patients;~~ and
- (5) The licensed capacity for newborns.
- ~~(4)~~ ~~For a level II neonatal care service or a level III neonatal care service, the sublevel classification~~

~~(F)~~(G) The license shall be valid for a period of three years from the end of the month in which the license was issued or renewed,~~with review as often as deemed necessary, but at least once every three years, in a fashion deemed appropriate by the director to determine whether the maternity unit, newborn care nursery, or maternity home is in compliance with rules 3701-7-01 to 3701-7-17 of the Administrative Code.~~

- ~~(G)~~(H) A license issued for a maternity unit and newborn care nursery, newborn care nursery, or maternity home is valid only for the premises provided on the license in accordance with paragraph ~~(E)~~ (F) of this rule.
- ~~(H)~~(I) The licensee shall ~~promptly~~ notify the director, in writing, within seven days of any change in administrator, primary agent, ~~location~~, or name of the maternity unit and newborn care nursery, newborn care nursery, or maternity home.
- ~~(I)~~(J) The licensee shall notify the director within seven days, in writing, of the voluntary suspension of operation, closing, or sale of the maternity unit and newborn care nursery, newborn care nursery, or maternity home, and return the license to the director. In the event of involuntary closure, the licensee shall provide written notice as soon as possible after learning of the closure.
- ~~(J)~~(K) The license shall be posted conspicuously at the entrance to the maternity unit and newborn care nursery, newborn care nursery, or maternity home.
- ~~(K)~~(L) The licensee shall ensure that patient or resident occupancy does not exceed the licensed capacity. The licensee shall develop and follow policies and procedures for handling patients or residents that temporarily exceed the licensed capacity due to factors outside the control of the licensee.
- ~~(L)~~(M) The licensee shall notify the director, in writing, prior to any construction, modernization, major acquisition, or significant alteration that would change the premises in which the business will be carried out, the licensed capacity for either obstetric patients or newborns, or that affects the level, volume, or scope of services.
- ~~(M)~~(N) The department of health may revoke a license pursuant to section 3711.14 of the Revised Code in accordance with Chapter 119. of the Revised Code.