

- (A) If the director of health determines that an exempt freestanding birthing center is no longer in compliance with divisions (4) and (5) of section 3702.301 of the Revised Code or rules 3701-83-57 and 3701-83-58 of the Administrative Code, the director may order the facility to come into compliance.
- (B) In the order, the director may do any or all of the following:
- (1) Identify which requirement the exempt center is not in compliance with and what actions the center needs to take to come into compliance;
  - (2) Require that the exempt center come into compliance within a period specified in the order;
  - (3) Require that the exempt center provide the director with a written notice within a time period specified in the order that contains all of the following:
    - (a) An attestation that the center has come into compliance;
    - (b) The signature of the exempt freestanding birthing center's administrator or medical director and an attestation that the administrator or medical director, whomever signs the notice, is the center's authorized representative;
    - (c) An attestation that the information contained in the notice and any accompanying documentation are true and accurate;
    - (d) Any other information or documentation that the director may require to verify that the center has come into compliance; and
    - (e) If the noncompliance pertains to patient care, an attestation that the information or documentation provided has been reviewed by the medical director or the consulting physician.
- (C) If the exempt freestanding birthing center fails to comply with the director's order within the time period specified in the order, the director may issue a second order that requires the center to cease operations until the center obtains a license as a freestanding birthing center under section 3702.30 of the Revised Code.
- (D) In determining whether to issue orders under paragraph (C) of this rule, the director may consider any of the following factors:
- (1) The danger of serious physical or life-threatening harm existing or having existed to the patient or patients of the center;
  - (2) The nature, duration, gravity, and extent of the identified condition, situation or practice existing or continuing;
  - (3) Whether the violation directly relates or related to patient care;

- (4) The center's history of quality of care data;
- (5) The extent and appropriateness of the actions taken by the center to correct the deficient practice or contributing condition; and
- (6) Whether the administrator, medical director, or other staff of the center materially misrepresented any information provided to the director.

Five Year Review (FYR) Dates: 02/16/2016 and 02/15/2021

CERTIFIED ELECTRONICALLY

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Certification

02/16/2016

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Date

Promulgated Under: 119.03  
Statutory Authority: 3702.301  
Rule Amplifies: 3702.301  
Prior Effective Dates: 6/1/2007