



MEMORANDUM

To: Ohio Nursing Homes and Residential Care Facilities

From: Bureau of Regulatory Operations, Bureau of Survey and Certification

Re: Intermediate Remedies for Nursing Homes and Residential Care Facilities

Date: October 2, 2023

Ohio House Bill 33 (135th General Assembly) provisions become effective on Tuesday, October 3, 2023. HB 33 included revisions to Section 3721.99 of the Ohio Revised Code (R.C.) addressing intermediate remedies for nursing homes and residential care facilities. The new provisions give the Director of the Ohio Department of Health (ODH) greater flexibility in fostering compliance with state regulations (see R.C. Section 3721.99 in [House Bill 33](#) to review the changes).

Under R.C. section 3721.99, the ODH Director may impose any of the following remedies on homes as defined by R.C. section 3721.01, which includes nursing homes and residential care facilities, found to be non-compliant with state regulations:

- Request the home's licensee to submit a corrective action plan.
- Impose a civil monetary penalty.
- Revoke a home's license.

If the ODH Director elects to impose an intermediate civil monetary penalty, factors that will be considered in determining the amount include, but are not limited to, the severity of non-compliance and the home's history of compliance.

Please consult with your legal counsel as to how these revised intermediate remedies may affect your facility. If you have any clarification questions about these revised intermediate remedies, please send an email to liccert@odh.ohio.gov.

Please refer to [House Bill 33](#) for further details regarding these and other changes affecting nursing homes and residential care facilities. Attached is the HB 33-passed ORC 3721.99 language.

Thank you for your partnership.