

(c) The court, in a case in which only injunctive relief is granted, may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division ~~(F)(2)(b)~~(G)(2)(b) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after July 9, 1998.

(4) Within thirty days after the filing of a complaint in an action for damages brought against a home under division ~~(F)(1)(a)~~(G)(1)(a) of this section by or on behalf of a resident or former resident of the home, the plaintiff or plaintiff's counsel shall send written notice of the filing of the complaint to the department of medicaid if the department has a right of recovery under section 5160.37 of the Revised Code against the liability of the home for the cost of medicaid services arising out of injury, disease, or disability of the resident or former resident.

Sec. 3721.99. (A) ~~Whoever violates section 3721.021, division (B), (D), or (E) of section 3721.05, division (A), (C), or (D) of section 3721.051, section 3721.06, division (A) of section 3721.22, division (A) or (B) of section 3721.24, division (E) or (F) of section 3721.30, or section 3721.65 of the Revised Code shall be fined one hundred dollars for a first offense. For each subsequent offense, the violator shall be fined five hundred dollars. If the director of health determines that a violation of sections 3721.01 to 3721.17 of the Revised Code has occurred, the director may do any of the following:~~

(1) Request a licensee to submit an acceptable plan of correction to the director stating all of the following:

(a) The actions being taken or to be taken to correct the violation;

(b) The time frame for completion of the plan of correction;

(c) The means by which continuing compliance with the plan of correction will be monitored.

(2) In accordance with Chapter 119. of the Revised Code, impose a civil monetary penalty as follows:

(a) For violations that result in no actual harm with the potential for more than minimal harm that is not a real and present danger to one or more residents, that are cited more than once during a fifteen-month period from the exit of an inspection, a civil penalty of not less than two thousand dollars and not more than three thousand dollars.

(b) For violations that result in actual harm that is not a real and present danger to one or more residents, a civil penalty of not less than three thousand one hundred dollars and not more than six thousand dollars.

(c) For violations that result in a real and present danger to one or more residents, a civil penalty of not less than six thousand one dollars and not more than ten thousand dollars.

(d)(i) For violations of sections 3721.10 to 3721.17 of the Revised Code, other than a violation of division (E) of section 3721.17 of the Revised Code, a civil penalty of not less than one thousand dollars and not more than five thousand dollars for a first offense. For each subsequent offense, the violator may be fined not less than two thousand dollars and not more than ten thousand dollars.

(ii) For violations of division (E) of section 3721.17 of the Revised Code, a civil penalty up to five thousand dollars for each offense.

~~(B) Whoever violates~~(e) For violations of division (A) or (C) of section 3721.05 or division (B) of section 3721.051 of the Revised Code shall be fined five thousand dollars for a first offense. For each subsequent offense, the violator shall be fined ten thousand dollars.

(3) In accordance with section 3721.03 of the Revised Code, revoke a license to operate.

(B) All monies collected by the director under division (A) of this section shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and the rules adopted under it.

(C) In determining a civil monetary penalty under division (A)(2) of this section, the director shall consider all of the following:

(1) The number of residents directly affected by the violation;

(2) The number of staff involved in the violation;

(3) Any actions taken by the home to correct or mitigate the violation, including the timeliness and sufficiency of the home's response to the violation and the outcome of that response;

(4) Any concurrent federal penalties being imposed for the same violations by the United States centers for medicare and medicaid services, which shall reduce any civil monetary penalty imposed under this section by the same amount;

(5) The home's history of compliance.

(D) If the director determines the need for a civil monetary penalty under this section, the director may enter into settlement negotiations with the affected home. Settlements may include any of the following:

(1) A lesser civil monetary penalty than initially proposed;

(2) Allowing the home to invest an amount equal to or less than the proposed civil monetary penalty on remedial measures or quality improvement initiatives designed to reduce the likelihood of similar

violations occurring in the future, which, unless authorized by the director, shall be conducted or undertaken by a third party;

(3) Other penalties warranted by the deficient practice and negotiations between the director and the home.

(E) Whoever violates division (D) of section 3721.031 or division (E) of section 3721.22 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

~~(D)~~(F) Whoever violates section 3721.66 of the Revised Code is guilty of tampering with an electronic monitoring device, a misdemeanor of the first degree.

Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code.

The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been ~~issued~~ served under ~~section~~ sections 119.05 and 119.07 of the Revised Code, the new owner becomes party to the notice.

Sec. 3722.07. (A) Each hospital licensed under this chapter shall comply with the requirements of this chapter and the rules adopted under it.

(B) In accordance with Chapter 119. of the Revised Code, if the director of health finds that a license holder has violated any requirement of this chapter or the rules adopted under it, the director may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars;

(2) Require the license holder to submit a plan to correct or mitigate the violation;

(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it.

(C)(1) If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following:

(a) The nature of the conditions giving rise to the director's judgment;

(b) The measures that the director determines the hospital must take to respond to the conditions;

(c) The date, which shall be not later than thirty days after the notice is