

3701-12-05

Scope of review: reviewable activities.

(A) The following activities are reviewable activities which shall not be conducted without a valid certificate of need.

- (1) The establishment, development, or construction of a new long-term care facility.
- (2) The replacement of an existing long-term care facility.
- (3) The renovation of or addition to a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs.
- (4) Either of the following:
 - (a) An increase in long-term care bed capacity; or
 - (b) A relocation of long-term care beds from one physical facility or site to another, excluding the relocation of long-term care beds within a long-term care facility or among buildings of a long-term care facility at the same site.
- (5) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds.
- (6) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs during the period from the approval of the application until five years after implementation of the reviewable activity for which the certificate was granted.

(B) A project or the portion of a project that meets the requirements of this paragraph is not reviewable. The following activities are not subject to review under paragraph (A) of this rule:

- (1) Acquisition of computer hardware or software;
- (2) Acquisition of a telephone system;
- (3) Construction or acquisition of parking facilities;
- (4) Correction of cited deficiencies that are in violation of federal, state or local fire, building or safety laws, ordinances, rules, or regulations and that constitute an imminent threat to public health or safety;

- (5) Acquisition of an existing long-term care facility that does not involve a change in the number of beds;
- (6) Mergers, consolidations or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;
- (7) Construction, repair or renovation of bathroom facilities;
- (8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices and portions of medical office buildings used exclusively for physician services; and
- (9) Removal of asbestos from a long-term care facility.

Five Year Review (FYR) Dates: 3/26/2021 and 05/23/2024

CERTIFIED ELECTRONICALLY

Certification

03/26/2021

Date

Promulgated Under: 119.03
Statutory Authority: 3702.52, 3702.57
Rule Amplifies: 3702.511
Prior Effective Dates: 12/21/1982 (Emer.), 03/19/1983, 07/21/1983 (Emer.),
10/18/1983, 12/29/1983 (Emer.), 07/23/1987 (Emer.),
10/12/1987, 04/04/1988, 03/29/1990 (Emer.),
06/23/1990, 09/06/1999, 09/27/2007, 03/25/2010,
09/02/2013, 10/23/2015, 05/23/2019