

3701-12-05

Scope of review: reviewable and nonreviewable activities.

(A) ~~Reviewable activities.~~ 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 changes in long-term care bed capacity:
 - (a) An increase in bed capacity; or
 - (b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site .
- (5) Any change in the ~~health services~~, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted.
- (6) 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.

(B) ~~Nonreviewable activities. Activities that are not described in paragraph (A) of this rule generally are not reviewable activities. Only a~~A project or the portion of a project that meets the requirements of this paragraph is not a reviewable activity. The following activities are not subject to review~~reviewable activities~~under paragraph A:

- (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, ~~or rules, or regulations~~ and that constitute an imminent threat to public health or safety;
- (5) Acquisition of an existing ~~health~~ long-term care facility that does not involve a change in the number of beds, ~~by service, or in the number or type of health services;~~
- ~~(6) Correction of cited deficiencies identified by accreditation surveys of the "Joint Commission" or the "American Osteopathic Association";~~
- ~~(7) Acquisition of medical equipment to replace the same or similar equipment for which a certificate of need has been issued if the replaced equipment is removed from service;~~
- ~~(8)~~(6) Mergers, consolidations or other corporate reorganizations of ~~existing health~~ long-term care facilities that do not involve a change in the number of beds, ~~by service, or in the number or type of health services;~~
- ~~(9)~~(7) Construction, repair or renovation of bathroom facilities;
- ~~(10)~~(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
- ~~(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institutes of health; and~~
- ~~(12)~~(9) Removal of asbestos from a ~~health~~ long-term care facility.

Effective:

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Certification

Date

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