

TO BE RESCINDED

3701-12-08

Application and completeness review process; public notice.

- (A) Applications for certificates of need to add long-term care beds shall be submitted in January or July. All other applications may be submitted at any time, including applications to relocate existing long-term care beds. To be considered timely, the director must receive an application to add long-term care beds on or before January thirty-one or July thirty-one, whichever applies. If an application to add long-term care beds is not timely received, the director shall not review it and shall return the fee specified in paragraph (D) of this rule, minus a one hundred dollar application processing fee. As used in this rule and rule 3701-12-09 of the Administrative Code, "batching period" means either the period from January first to the first Friday of March, or the period from July first to the last Friday of August.
- (B) Each applicant shall submit one original and one copy of the application forms and attachments prescribed by the director. The applicant also shall submit a timetable for implementing the project and identify a specific site for the project designated by a street address or, if there is no street address, a plot or parcel number. In addition, the applicant shall designate an authorized representative in the application. The authorized representative shall sign an affidavit that to the best of his or her knowledge the information in the application and any accompanying material is true and accurate. In the case of a construction project, the applicant shall submit a copy of the written notice that the applicant has provided to:
- (1) The chief executive officer of the municipality in which the reviewable activity will be conducted or the township trustees of the township in which the activity will be conducted, if it will not be conducted in a municipality; and
 - (2) The state senator and state representative for the area in which the activity will be conducted.
- (C) The applicant also shall file two copies of the application with the HSA designated for the health service area in which the applicant plans to conduct the reviewable activity.
- (D) The application shall be accompanied by a nonrefundable fee in the form of a cashier's check or a postal money order, payable to the "Treasurer - State of Ohio," in the following amount:
- (1) For a project not involving a capital expenditure, three thousand dollars; or
 - (2) For a project involving a capital expenditure, the greater of three thousand

dollars or nine-tenths of one per cent of the capital expenditure proposed, with a maximum fee of twenty thousand dollars.

(E) Upon receipt of an application and the appropriate fee, the director shall review the application for completeness of information. The director shall consider an application complete when the applicant:

- (1) Furnishes the information specified in paragraph (B) of this rule;
- (2) Complies with paragraph (C) of this rule;
- (3) Pays the fee specified in paragraph (D) of this rule; and
- (4) If required to, adequately and completely responds to the director's requests for additional information.

If the applicant changes the site identified for the project, as specified in paragraph (B) of this rule, the director shall deem the application incomplete.

To determine completeness, the director may request additional information from the applicant but shall not request any information that is not necessary to review the application in relation to the criteria established by this chapter, as the chapter is in effect at the time the request is made. The director may make two requests for the additional information needed to complete an application under this paragraph and paragraph (F) of this rule. Except when paragraph (F) of this rule applies, the applicant shall have ninety days to respond to a request for additional information. The director shall deem an application incomplete if the applicant does not timely respond to the director's request for additional information or if the director does not receive the information necessary to complete the application within the appropriate time frame specified in this rule.

No later than fifteen days after the director receives the application and the appropriate fee or fifteen days after the director receives additional information submitted in response to the first request, the director shall mail to the applicant by certified mail notice of completeness or a second request for additional information. No later than fifteen days after the director receives additional information submitted in response to the second request, the director shall mail to the applicant by certified mail notice of completeness or shall deem the application incomplete.

When responding to requests for additional information, applicants shall submit two copies of responses not only to the director but also to the health service agency in which the applicant plans to conduct the reviewable

activity.

- (F) If notice of completeness of an application proposing addition of long-term care beds, is not mailed on or before the end of the batching period, the director nonetheless shall issue a notice of completeness, a request for additional information, or deem the application incomplete, as required by paragraph (E) of this rule.
- (1) If the director issues notice of completeness, the ninety day time period in which the director must grant or deny the application does not begin until the end of the next batching period.
 - (2) If the director requests additional information, the applicant shall not submit the information until the beginning of the next batching period. In such a case, if the director does not receive the information necessary to complete the application and mail notice that it is complete by the end of the next batching period, the director shall deem the application incomplete.
- (G) After notice of an application's completeness is mailed under paragraph (E) or (F)(1) of this rule, the applicant may supply and the director may request additional information pertinent to review of the application in relation to the criteria established by this chapter, as this chapter is in effect at that time. The applicant shall not make any amendment of the application that alters the site of the reviewable activity specified in accordance with paragraph (B) of this rule, the activity's scope, or its cost.
- (H) The director may deny an application for any false statement knowingly made in the application or in supplemental information submitted pursuant to this rule.
- (I) The director shall include the information specified in paragraphs (I)(1) to (I)(3) of this rule with the notice of completeness. The applicant shall provide notice of all the information set forth in this rule, by notice in a newspaper of general circulation published in the municipal corporation, county, or other political subdivision where the reviewable activity (project) will take place. The applicant shall provide the notice within seven business days after the notice of completeness specified in paragraph (E) or (F) of this rule is received. If the newspaper notice is not provided within the time frame specified by this paragraph, the applicant shall document in writing why the time frame was not met. The applicant shall provide a copy of the published notice and, if applicable, written documentation of why the time frame for the newspaper notice was not met to the director by certified mail within five business days after the day the notice is first published. The notice shall include the following information:

- (1) The date that the review period began;
 - (2) The date that the decision on the application is due;
 - (3) The deadline and procedure for requesting a public informational hearing during the course of review and the deadline and procedure for filing objections to an application, as set forth in paragraphs (A) and (B) of rule 3701-12-11 of the Administrative Code;
 - (4) A general description of the nature of the project, which shall include its cost, the facilities involved in the project; and
 - (5) The street address or plot or parcel number that the project will take place.
- (J) The director shall deny an application if the applicant fails to provide timely newspaper notice as required in paragraph (I) of this rule, or the director determines that the applicant failed to document in writing that timely notice was not provided for reasons beyond the applicant's control.
- (K) If the director deems an application incomplete as authorized by this rule, the director shall notify the applicant by certified mail, not process the application, and keep the fee specified in paragraph (D) of this rule. The director's act of deeming an application incomplete and any of the other actions specified in this paragraph shall not be subject to appeal.

Effective: 03/25/2010

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CERTIFIED ELECTRONICALLY

Certification

03/12/2010

Date

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