

3701-12-10

**Replacement certificate of need.**

(A) The director of health shall accept an application for a replacement certificate of need when the application is submitted following approval and within five years after implementation of the reviewable activity for which the certificate of need was granted, for:

- (1) An activity for any change in the bed capacity or site; or
- (2) Any other failure to carry out a reviewable activity in substantial accordance with the approved application for which the certificate of need concerning long-term care beds was granted.

(B) To replace an approved certificate of need all of the following conditions must be met:

- (1) The applicant for the replacement certificate of need must be the same as the applicant for the approved certificate of need or an affiliated or related person as defined in rule 3701-12-01 of the Administrative Code;
- (2) The source of any long-term care beds to be relocated must be the same as in the approved certificate of need; and
- (3) The application for the approved certificate of need must not have been subject to comparative review under section 3702.593 of the Revised Code.

(C) Applications for a replacement certificate of need filed pursuant to section 3702.526 shall be accompanied by the following:

- (1) Copies of the forms and attachments submitted for review as part of the original certificate of need application; and
- (2) A nonrefundable fee equal to the application fee paid for the approved certificate of need in the form of a check or money order made payable to the "treasurer, state of Ohio".

(D) The director shall not accept an application for a replacement certificate of need that proposes to increase the number of long-term care beds to be relocated specified in the application for the approved certificate of need.

(E) For the purpose of determining whether long-term care beds are from an existing long-term care facility, the director shall consider the date of filing of the application for a replacement certificate to be the same date of filing of the original application for the approved certificate of need.

(F) Any long-term care beds that were approved in the approved certificate of need shall remain approved in the application for a replacement certificate of need.

(G) Upon approval of an application for a replacement certificate of need, the original certificate of need will be automatically voided.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	3702.52, 3702.57
Rule Amplifies:	3702.56