



Office of Health Assurance and Licensure
Nursing Home Interpretive Guidance 2015 – 2
March 4, 2015

Subject: Revocation of License of Closed Nursing Home

Summary: The Director of Health may propose to revoke a nursing home license if the home is not open for inspection.

Discussion: Revised Code (R.C.) §3721.03 provides in part that the Director may issue an order revoking a license in the event the director finds, upon hearing or opportunity afforded under R.C. Chapter 119., that a person licensed has violated any provisions of R.C. Chapter 3721. or rules adopted under it.

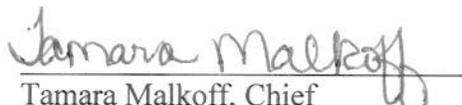
Revised Code §3721.02(B) requires a nursing home to be inspected at least once every fifteen months after the issuance of a license. R.C. §3721.05(D) requires all licensed homes to be open for inspection. Therefore, nursing homes that close and are not open for inspection are in violation of R.C. Chapter 3721.

Ohio Administrative Code (O.A.C.) rule 3701-17-03(H) provides in part that the nursing home license is valid only for the operator and premises in the application.

The authority to issue an order to revoke a nursing home license is discretionary. Factors that may be considered in deciding to propose a revocation of a license include, but are not limited to, the following:

- Nursing home closure due to circumstances beyond the control of the Operator, such as damage to the premises;
- Intent to reopen the home at licensed premises¹;
- Intent to file Certificate of Need to relocate beds or replace facility;
- Compliance history of Operator, Owner of Operating Rights to the beds, and Owner of the building.

Based upon the above, the Director of Health may propose to revoke a nursing home license if the home is closed and not open for inspection.



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¹ The re-opening of a closed nursing home, even if it has maintained its license, requires a certificate of need (CON). See CON Interpretive Guidance 2014 -1.