

**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 if the applicant requests the replacement certificate of need so that a reviewable activity for which the certificate of need was granted can be implemented in a manner that is not in substantial accordance with the approved certificate of need.
- (B) 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.
- (C) The director shall review and approve or deny the application for the replacement certificate of need in the same manner as the application for the approved certificate of need.
- (D) 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.
- (E) 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".
- (F) 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.
- (G) Any long-term care beds that were proposed to be relocated in the approved certificate of need shall remain eligible to be recategorized as a different category of long-term care beds in the application for a replacement certificate of need.
- (H) Upon approval of an application for a replacement certificate of need, the original certificate of need will be automatically voided.

Effective: 10/23/2015

Five Year Review (FYR) Dates: 08/04/2015 and 08/01/2020

CERTIFIED ELECTRONICALLY

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10/13/2015

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Promulgated Under: 119.03  
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