



Ohio Administrative Code

Rule 3701-12-09 Certificate of need application and completeness process for applications filed under section 3702.593 of the Revised Code; comparative review; review and decision process; appeals.

Effective: September 22, 2025

(A) Applications for certificate of need filed under section 3702.593 of the Revised Code to conduct a reviewable activity as defined by rule 3701-12-05 of the Administrative Code will be subject to this rule.

(B) At the times specified in this rule, the director shall accept certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to relocation of existing beds from an existing long-term care facility in a county with excess beds to a long-term care facility in a county in which there are fewer long-term care beds than the county's bed need:

(1) Approval of beds in a new long-term care facility or an increase of beds in an existing long-term care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the Social Security Act, 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended (1981), or nursing facility beds under the medicaid program, Title XIX of the Social Security Act, 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended (1981); or

(3) An increase of hospital beds licensed pursuant to section 3722.33 of the Revised Code as long-term care beds.

(C) The review period shall begin January 1, 2026 and end December 31, 2028. Thereafter, the review period shall begin on January first of the year following the end of the previous review period and shall be every two years. Applications will be submitted January 1, 2026 through January 31, 2026 and every two years thereafter.



(D) Applications made under section 3702.593 of the Revised Code are subject to comparative review and the additional considerations set forth in paragraph (F) of rule 3701-12-23 of the Administrative Code if two or more applications are submitted during the same review period and any of the following apply:

(1) The applications propose to relocate beds from the same county and the number of beds for which certificates of need are being requested for relocation totals more than the number of beds available in the county from which the beds are to be relocated;

(2) The applications propose to relocate beds to the same county and the number of beds for which certificates of need are being requested for relocation totals more than the number of beds needed in the county to which the beds are to be relocated;

(E) To be considered timely, the director will need to receive an application January first through January thirty-first in the first year of a two year comparative process that includes the information that complies with paragraph (F) of this rule and is accompanied by the appropriate fee prescribed in paragraph (G) of this rule. If an application is not timely received, the director will not review it and will return the fee specified in paragraph (G) of this rule, minus a one hundred dollar application processing fee.

(F) Each applicant will submit an original of the application form and necessary attachments in a manner prescribed by the director and will include, but not be limited to, the following:

(1) Name of proposed or existing long-term care facility;

(2) Name of operator of proposed or existing long-term care facility;

(3) A timetable for implementing the project;

(4) Identification of a specific site for the project designated by a street address or, if there is no street address, a plot or parcel number; and



(5) A designated authorized representative who will 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.

(G) The application will be accompanied by a nonrefundable fee in the form of a 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, five thousand dollars; or

(2) For a project involving a capital expenditure, the greater of five thousand dollars or one point five per cent of the capital expenditure proposed, with a maximum fee of twenty thousand dollars.

(H) Upon acceptance of an application and the appropriate fee, the director will review the application for completeness of information. The director will consider an application complete when the applicant:

(1) Furnishes the information specified in paragraph (F) of this rule and the information needed on the application form;

(2) Pays the fee specified in paragraph (G) of this rule; and

(3) If needed, adequately and completely responds to the director's requests for additional information.

(I) To determine completeness, the director may request additional information from the applicant but will 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.

(1) The director may make two requests for the additional information needed to complete an application under this paragraph.

(2) The director will 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.



(3) When responding to requests for additional information, applicants will submit responses in the manner prescribed by the director.

(4) The following deadlines apply:

(a) No later than March first of the same year in which the application is received, the director will mail to the applicant by certified mail a notice that additional information is not necessary or, by mail, a first request for additional information.

(b) No later than May first of the same year in which the application is received, the applicant will respond to the first request for additional information.

(c) If a first request for additional information is mailed, no later than June first of the same year in which the application is received, the director will mail to the applicant by certified mail notice that additional information is not necessary or, by mail, a second request for additional information, or deem the application incomplete.

(d) No later than August first of the same year in which the application is received, the applicant will respond to the second request for additional information.

(e) No later than September thirtieth of the same year in which the application is received, the director will mail to the applicant by certified mail, notice of completeness or shall deem the application incomplete.

If the dates specified in this paragraph are a weekend or a day when state offices are closed, the deadline will be moved to the next business day.

(J) The director will 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.

(K) Except as necessary to comply with a subpoena issued under division (F) of section 3702.52 of



the Revised Code, after a notice of completeness has been received, no person will make revisions to information that was submitted to the director before the director mailed the notice of completeness or knowingly discuss in person, by telephone, or electronically the merits of the application with the director. A person may supplement an application after a notice of completeness has been received by submitting clarifying information to the director.

(L) The director may deny an application for any false statement knowingly made in the application or in supplemental information submitted pursuant to this rule.

(M) If the director deems an application incomplete as authorized by this rule, the director will notify the applicant by certified mail, not process the application, and keep the fee specified in paragraph (G) this rule. The director's act of deeming an application incomplete and any of the other actions specified in this paragraph will not be subject to appeal.

(N) The director will review applications for certificates of need which have been declared complete to determine whether a certificate should be granted.

(O) The director may extend the review period once, for no longer than thirty days, by written notice within thirty days after the mailing of the final notice of completeness mailed under paragraph (I) of this rule. An extension by the director will apply to all applications in a comparative review process. No applicant in a comparative review process may extend the review period.

(P) Except as provided in division (C)(5) of section 3702.52 of the Revised Code, the director will grant or deny all completed applications for certificate of need:

(1) No later than sixty days after the date of mailing of notice of completeness under paragraph (I) of rule this rule; or

(2) No later than November thirtieth, or the next business day if November thirtieth is a weekend, of the year in which the application is received and a notice of completeness was mailed under paragraph (I) of this rule.

(Q) The director may grant a certificate of need for all or part of a project that is the subject of the



application and may grant the certificate with conditions that will be met by the holder of the certificate.

(R) If the director does not grant or deny the certificate of need on or before the applicable deadline specified in paragraph (P) of this rule, the certificate will be considered granted.

(S) The director will mail a notice of the decision on an application for a certificate of need to the applicant by certified mail and to other persons by electronic or ordinary mail upon request. The notice will include a statement of the reasons for the decision, citations of the applicable provisions of the Revised Code and Administrative Code, and a description of the right to appeal the decision, in accordance with sections 3702.60 and 119.07 of the Revised Code.

(T) The applicant may appeal to the director a decision to grant or deny a certificate of need application to the director in accordance with Chapter 119. of the Revised Code. The director is obligated to conduct an adjudication hearing in accordance with Chapter 119. of the Revised Code.

(1) The applicant also will file notice with the director not later than thirty days after the date the director mailed the order; and

(2) The applicant that appeals the director's decision to grant or deny a certificate of need application is obligated to prove by a preponderance of the evidence that the director's decision was not in accordance with sections 3702.52 to 3702.62 of the Revised Code or Chapter 3701-12 of the Administrative Code.

(U) The applicant that was party to and participated in an adjudication hearing as authorized by division (A) of section 3702.60 of the Revised Code and paragraph (T) of this rule may appeal to the tenth district court of appeals the decision issued by the director following the adjudication hearing. Each person who appeals to the tenth district court of appeals is obligated to file with the court, not later than thirty days after the director's adjudication order is mailed; a notice of appeal that designates the order the person is appealing. The appellant also will file notice with the director not later than thirty days after the date the director mailed the order.