

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 324

**Senator Maharath
Cosponsor: Senator Antonio**

A BILL

To amend sections 3702.511 and 3702.53 and to enact
section 3702.513 of the Revised Code to permit
long-term care projects to be initiated during a
public health emergency without approval through
the Certificate of Need Program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3702.511 and 3702.53 be amended
and section 3702.513 of the Revised Code be enacted to read as
follows:

Sec. 3702.511. (A) Except as provided in division (B) of
this section and ~~section~~ sections 3702.512 and 3702.513 of the
Revised Code, the following activities are reviewable under
sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new
long-term care facility;

(2) Replacement of an existing long-term care facility;

(3) Renovation of or addition to a long-term care facility
that involves a capital expenditure of two million dollars or

more, not including expenditures for equipment, staffing, or	18
operational costs;	19
(4) An increase in long-term care bed capacity;	20
(5) A relocation of long-term care beds from one physical	21
facility or site to another, excluding relocation of beds within	22
a long-term care facility or among buildings of a long-term care	23
facility at the same site;	24
(6) Expenditure of more than one hundred ten per cent of	25
the maximum expenditure specified in a certificate of need	26
concerning long-term care beds;	27
(7) Any failure to conduct a reviewable activity in	28
substantial accordance with the approved application for which a	29
certificate of need was granted, including a change in the site,	30
if the failure occurs within five years after implementation of	31
the reviewable activity for which the certificate was granted.	32
(B) The following activities are not subject to review	33
under sections 3702.51 to 3702.62 of the Revised Code:	34
(1) Acquisition of computer hardware or software;	35
(2) Acquisition of a telephone system;	36
(3) Construction or acquisition of parking facilities;	37
(4) Correction of cited deficiencies that constitute an	38
imminent threat to public health or safety and are in violation	39
of federal, state, or local fire, building, or safety statutes,	40
ordinances, rules, or regulations;	41
(5) Acquisition of an existing long-term care facility	42
that does not involve a change in the number of the beds;	43
(6) Mergers, consolidations, or other corporate	44

reorganizations of long-term care facilities that do not involve 45
a change in the number of beds; 46

(7) Construction, repair, or renovation of bathroom 47
facilities; 48

(8) Construction of laundry facilities, waste disposal 49
facilities, dietary department projects, heating and air 50
conditioning projects, administrative offices, and portions of 51
medical office buildings used exclusively for physician 52
services; 53

(9) Removal of asbestos from a health care facility. 54

Only that portion of a project that is described in this 55
division is not reviewable. 56

Sec. 3702.513. (A) As used in this section, "public health 57
emergency" means any state of emergency that affects the public 58
health, as established by an order or other declaration issued 59
by the governor or director of health, including any state of 60
emergency resulting from contagious, infectious, epidemic, 61
pandemic, or endemic conditions. 62

(B) During the period of a public health emergency, the 63
initiation of any activity described in division (A) of section 64
3702.511 of the Revised Code is not a reviewable activity and, 65
therefore, does not require a certificate of need. After the 66
period of the public health emergency has ended, an activity 67
that was initiated under this section without a certificate of 68
need may continue to be carried out, but if the activity is 69
changed in any manner, the change is reviewable under sections 70
3702.51 to 3702.62 of the Revised Code. 71

(C) This section does not apply to or otherwise affect 72
either of the following: 73

(1) A certificate of need application that is pending on 74
the date that the period of a public health emergency begins; 75

(2) The conditions under which a certificate of need was 76
granted before the period of a public health emergency began. 77

Sec. 3702.53. (A) No person shall carry out any reviewable 78
activity unless a certificate of need for such activity has been 79
granted under sections 3702.51 to 3702.62 of the Revised Code or 80
the person is exempted by division (B) of section 3702.511 or 81
section 3702.512, 3702.513, or 3702.62 of the Revised Code from 82
the requirement that a certificate of need be obtained. No 83
person shall carry out any reviewable activity if a certificate 84
of need authorizing that activity has been withdrawn by the 85
director of health under section 3702.52 or 3702.525 of the 86
Revised Code. No person shall carry out a reviewable activity if 87
the certificate of need authorizing that activity is void 88
pursuant to section 3702.523 of the Revised Code or has expired 89
pursuant to section 3702.524 of the Revised Code. 90

(B) No person shall separate portions of any proposal for 91
any reviewable activity to evade the requirements of sections 92
3702.51 to 3702.62 of the Revised Code. 93

(C) No person granted a certificate of need shall carry 94
out the reviewable activity authorized by the certificate of 95
need other than in substantial accordance with the approved 96
application for the certificate of need. 97

Section 2. That existing sections 3702.511 and 3702.53 of 98
the Revised Code are hereby repealed. 99

Section 3. Sections 3702.511, 3702.513, and 3702.53 of the 100
Revised Code, as amended and enacted by this act, apply during 101
the period of the emergency declared by Executive Order 2020- 102

01D, issued on March 9, 2020, but only in the case of an	103
activity described in division (A) of section 3702.511 of the	104
Revised Code that is initiated on or after the effective date of	105
this act.	106