

**As Introduced**

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

**S. B. No. 324**

**Senator Maharath  
Cosponsor: Senator Antonio**

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