

Certificate of Need Program to Allow Applications for Inter-County Bed Relocations

July 1, 2010 through July 30, 2010

For more
information,
please contact:

Suzanne J. Scrutton
sjscrutton@vorys.com
614.464.8313

Peter A. Lusenhop
palusenhop@vorys.com
614.464.8263

Andrea Ebreck Nelson
aenelson@vorys.com
614.464.4951

Robin P. Bravchok
rpbravchok@vorys.com
614.464.5466

The Ohio Certificate of Need (“CON”) Program has been changed to permit inter-county bed relocations. Historically, Ohio CON law has prohibited relocating long-term care beds across county lines. However, the inter-county movement of long-term care beds between some counties was approved by the Ohio General Assembly in the 2010 budget, House Bill 1. Pursuant to House Bill 1, the Director of Health was authorized to identify counties that are projected to have future increases in the population of individuals aged 65 and older that are disproportionate to the number of available long-term care beds. As a result, counties with excess beds have been identified with the maximum number of beds that may be relocated to one or more counties identified as having a projected need. The Ohio Department of Health (“ODH”) has posted county bed need tables and a map entitled “Inter-County Relocation of Long Term Care Beds 2010” detailing this information on its website that can be accessed at <http://www.odh.ohio.gov/odhPrograms/dspc/certn/certneed1.aspx>. The tables specify the maximum number of long-term care beds that may be relocated into or out of each county.

An applicant may apply for a CON to relocate beds from counties having an excess of qualified beds to a county with a projected need up to the numbers of beds published in the ODH tables (subject to a few exceptions). **CON applications based on inter-county relocation of beds will be accepted by the ODH from only July 1, 2010 through July 30, 2010.**

This change in the certificate of need program presents an excellent opportunity for any health care providers considering market transactions involving long-term care beds. However, the short time period for the filing of CON applications based on inter-county bed relocations is coming up quickly and is for only a brief period of time. Therefore, it is imperative that any health care providers considering taking advantage of this change in the certificate of need program act quickly.

Vorys health care attorneys have significant experience with the CON application and approval processes, as well as representing clients before ODH. Because of our statewide health care presence, our attorneys can also assist and connect health care providers in different counties interested in relocating or acquiring long-term care beds. For additional information on the CON process, please contact your Vorys attorney or any member of the Vorys Health Care Group.

This is for general information purposes and should not be regarded as legal advice.