

Publications

Health Care Alert: Ohio Department of Health Publishes County Need Information for Inter-County Bed CON Applications Submitted July 2, 2012 through July 30, 2012

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As we discussed in a prior client alert, the Ohio Certificate of Need (CON) Program was changed to permit some inter-county bed relocations. Historically, Ohio CON law has prohibited relocating long-term care beds across county lines. However, Ohio law was amended a few years ago to permit, for brief periods of time, inter-county relocations of long-term care beds from counties with excess beds to counties that have a projected need. The Ohio Department of Health ("ODH") first implemented this process in July 2010, and it is again accepting CON applications for some inter-county bed relocations in July 2012. ODH has published the long-term care bed inter-county relocation need and supply tables per county and other information for this July 2012 period on its website. Find it at [this link](#). **CON applications based on inter-county relocation of beds will be accepted by ODH from only July 2, 2012 through July 30, 2012.**

After July of 2012, CON applications for inter-county bed relocations will not be accepted for several years. At the earliest, from July 1, 2014 through July 31, 2014, the director may, in his discretion, accept new CON applications to address a remaining need for beds following inter-county relocations that were approved during this 2012 period. Thereafter, the next opportunity to submit a CON application for an inter-county bed relocation will not be until July 1, 2016 and every four years thereafter.

This change in the certificate of need program continues to present an excellent opportunity for any health care providers considering market transactions involving long-term care beds. However, given the limited number of beds that can be relocated into any one county, the potential competition, and the brief time period permitted for filing such applications, providers interested in taking advantage of this change in the CON program for 2012 should begin to plan their CON projects immediately and have their applications ready for filing as soon as the window of opportunity opens in July.

For additional information on the CON process, please contact your Vorys attorney or any member of the Vorys Health Care Group.

