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Chapter 411@ DEPARTMENT OF HUMAN SERVICES, AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

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Division 85@ NURSING FACILITIES/LICENSING - GENERALLY

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Section 411-085-0015@ License Expiration, Termination of Operation, License Return

411-085-0015 License Expiration, Termination of Operation, License Return

(1)

EXPIRATION. Effective May 16, 2011, unless revoked or terminated earlier, or issued for a shorter specified period, each license to operate a nursing facility expires annually, following the date of issue.

(2)

TERMINATION OF OPERATION. Except as otherwise provided in this rule, if facility operation is discontinued for any reason, the license shall expire. The licensee has appeal rights under ORS chapter 183.

(3)

INACTIVE LICENSE. (a) When the licensee proposes to replace an existing (original) licensed nursing facility with a new building, the Department may grant the licensee an inactive license for up to 24 months after closure of the original facility (departure of the last resident) under the following conditions: (A) The existing facility may not meet the physical environment requirements for new construction in OAR chapter 411, division 087; (B) The licensee must comply with the Oregon Health Authority's certificate of need process, including the physical environment requirements for new construction; (C) The licensee must submit to the Department a written request for an extension to continue the license, an application for license renewal, and the license fee before the annual renewal date;

(D) The licensee must comply with plan review as described in OAR 411-087-0010 and all other applicable requirements; and (E) The licensee's written request must include information that assures the Department that the new facility shall provide an improved quality of care that is needed in the community and is determined by the Department to be in the public's interest. (b) The licensee must provide written notice of intent to apply for an inactive license at least 30 days before closure of the original building. This notice must be provided to the Department and every licensed nursing facility, assisted living facility, and residential care facility within 20 miles of the proposed new building site. (c) The licensee must provide a minimum of two written progress reports to the Department regarding the status of the new building. (A) The first report must be received by the Department between six and nine months after the original facility is closed. (B) The second report must be received by the Department between 18 and 21 months after the original facility is closed.

(a)

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request must include information that assures the Department that the new facility shall provide an improved quality of care that is needed in the community and is determined by the Department to be in the public's interest.

(A)

The existing facility may not meet the physical environment requirements for new construction in OAR chapter 411, division 087;

(B)

The licensee must comply with the Oregon Health Authority's certificate of need process, including the physical environment requirements for new construction;

(C)

The licensee must submit to the Department a written request for an extension to continue the license, an application for license renewal, and the license fee before the annual renewal date;

(D)

The licensee must comply with plan review as described in OAR 411-087-0010 and all other applicable requirements; and

(E)

The licensee's written request must include information that assures the Department that the new facility shall provide an improved quality of care that is needed in the community and is determined by the Department to be in the public's interest.

(b)

The licensee must provide written notice of intent to apply for an inactive license at least 30 days before closure of the original building. This notice must be provided to the Department and every licensed nursing facility, assisted living facility, and residential care facility within 20 miles of the proposed new building site.

(c)

The licensee must provide a minimum of two written progress reports to the Department regarding the status of the new building. (A) The first report must be received by the Department between six and nine months after the original facility is closed. (B) The second report must be received by the Department between 18 and 21 months after the original facility is closed.

(A)

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(B)

The second report must be received by the Department between 18 and 21 months after the original facility is closed.

(4)

EXTENSION. If the licensee fails to open the new building within 24 months of the closure of the original facility, the Department may extend the inactive license for an additional 18 months. The licensee must submit written request to the Department for an extension before expiration of the inactive license. The following must be included in the request for extension: (a) NOTICE TO NEARBY FACILITIES. A statement certifying that the licensee has made a reasonable attempt to provide written notice to each nursing, assisted living, and residential care facility within 20 miles of the site of the proposed facility of the intent to request an extension. Upon request, the Department shall provide a list of the names and addresses of all nursing, assisted living, and residential care facilities in the state. (b) SITE PLAN. A completed site plan that has been submitted to the local jurisdiction (city or county planning agency). (c) ARCHITECTURAL DRAWINGS. Working architectural drawings that have been stamped or prepared by a licensed architect. (d) BUILDING SITE. Evidence that the land proposed for

the new building is under control of the licensee. (e) LOCAL JURISDICTION COMMUNICATION. Evidence of continued contact with the local jurisdiction. (f) FINANCIAL COMMITMENT. Evidence of financial commitments towards completion of the project, including proof of lender commitments and cash on hand sufficient to complete the construction. (g) CONSTRUCTION CONTRACTS. Construction contracts or other evidence showing the project shall be completed before the expiration of the extended inactive license.

(a)

NOTICE TO NEARBY FACILITIES. A statement certifying that the licensee has made a reasonable attempt to provide written notice to each nursing, assisted living, and residential care facility within 20 miles of the site of the proposed facility of the intent to request an extension. Upon request, the Department shall provide a list of the names and addresses of all nursing, assisted living, and residential care facilities in the state.

(b)

SITE PLAN. A completed site plan that has been submitted to the local jurisdiction (city or county planning agency).

(c)

ARCHITECTURAL DRAWINGS. Working architectural drawings that have been stamped or prepared by a licensed architect.

(d)

BUILDING SITE. Evidence that the land proposed for the new building is under control of the licensee.

(e)

LOCAL JURISDICTION COMMUNICATION. Evidence of continued contact with the local jurisdiction.

(f)

FINANCIAL COMMITMENT. Evidence of financial commitments towards completion of the project, including proof of lender commitments and cash on hand sufficient to complete the construction.

(g)

CONSTRUCTION CONTRACTS. Construction contracts or other evidence showing the project shall be completed before the expiration of the extended inactive license.

(5)

RETURN OF LICENSE. Each license certificate must be returned to the Department immediately upon issuance of a final order revoking or suspending the license. If a license is terminated voluntarily or involuntarily because operation has been discontinued, the license certificate must be immediately returned to the Department.