



Nursing Home Bed Replacement Authorization Notice Certificate of Need Application Packet

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Submission Instructions:

One electronic copy of your application, including any application addendum – no paper copy is required. A check or money order for the review fee of **\$1,733** payable to **Department of Health**.

If you submit the application and fee separately include a copy of the signed cover sheet with the fee. This allows us to connect your application to your fee. We also strongly encourage sending payment with a tracking number. **Do not** submit a copy of your check with your application; your application documents are publicly disclosable.

Submit the application and review fee to:

Mailing Address:

Department of Health
Certificate of Need Program
P O Box 47852
Olympia, Washington 98504-7852

In Person:

Department of Health
Certificate of Need Program
111 Israel Road SE
Tumwater, Washington 98501

Email:

FSLCON@doh.wa.gov

Contact Us:

Certificate of Need Program Office 360-236-2955 or FSLCON@doh.wa.gov



Application Instructions

The Certificate of Need Program will use the information in your application to determine if your project meets the applicable notice criteria found in [chapter 70.38 RCW](#) and [chapter 246-310 WAC](#).

General Instructions:

- Include a table of contents for application sections and appendices/exhibits
- Number **all** pages consecutively
- Make the narrative information complete and to the point.
- Cite all data sources.
- Provide copies of articles, studies, etc. cited in the application.
- Place extensive supporting data in an appendix.
- **Provide a detailed listing of the assumptions you used for all of your utilization and financial projections, as well as the bases for these assumptions.**
- Under no circumstance should your application contain any patient identifying information.
- Use **non-inflated** dollars for **all** cost projections
- **Do not** include a general inflation rate for these dollar amounts.
- **Do** include current contract cost increases such as union contract staff salary increases. You must identify each contractual increase in the description of assumptions included in the application.
- **Do not** include a capital expenditure contingency.
- If any of the documents provided in the application are in draft form, a draft is only acceptable if it includes the following elements:
 - a. identifies all entities associated with the agreement,
 - b. outlines all roles and responsibilities of all entities,
 - c. identifies all costs associated with the agreement,
 - d. includes all exhibits that are referenced in the agreement, and
 - e. any agreements in draft form must include a document signed by both entities committing to execute the agreement as submitted following CN approval.

Do not skip any questions in this application. If you believe a question is not applicable to your project, explain why it is not applicable.

Answer the following questions in a manner that makes sense for your project. In some cases, a table may make more sense than a narrative. The department will follow up in screening if there are questions.

Program staff members are available to provide technical assistance (TA) at no cost to you before submitting your application. While TA isn't required, it's highly recommended and can make any required review easier. To request a TA meeting, call 360-236-2955 or email us at FSLCON@doh.wa.gov.



Certificate of Need Notice
Nursing Home Bed Replacement Authorization Notice

This is a notice to the Certificate of Need Program under state law and rules. (Chapter 70.38 RCW and chapter 246-310 WAC). I hereby certify that the statements in this notice are correct to the best of my knowledge and belief. I understand that any misrepresentation, misleading statements, evasion, or suppression of material fact in this notice may be used to take actions identified in WAC 246-310-500.

Nursing Home Bed Replacement notices must be submitted with a fee in accordance with WAC 246-310-990.

The notice must be submitted to the department a minimum of 30 days prior to commencement of the project. If the nursing home being replaced is going to close, that closure must occur after the Renovation Authorization is issued.

Form with fields for Licensee information (Legal Name, Email, Address), Building Owner information (Legal Name, Address), Facility information (Name, Address), Responsible Officer information (Name and Title, Signature, Date, Telephone, Email).

My signature authorizes the Department of Health to verify any responses provided. The department will use such information as appropriate to further program purposes. The department may disclose this information when requested to the extent allowed by law.



Per [WAC 246-310-010](#)(13) "**commencement of the project**" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of the notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of other projects, initiating a health service.

Per [WAC 246-310-010](#)(35) "**licensee**" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under [chapter 388-97 WAC](#).

Applicant and Building Owner Information:

1. Provide documentation that the applicant is the existing licensee of the nursing home and has been for at least one year immediately preceding the replacement project notice. Submission of a copy of the nursing home's current license and the previous year's license is sufficient. To be accepted there must be at least one year between the issued/effective dates of the license.
2. Submit an affidavit from the applicant (existing licensee) that they intend to be the licensee at the replacement facility at the project's completion. This affidavit **must** include a statement that the applicant acknowledges the project cannot be completed if the applicant is not the licensee at the time the project is completed except as allowed for under the provisions of [RCW 70.38.115](#)(14). (Refer to sample affidavit on page 7 of this document.)
3. If the licensee is not the building owner, does the building owner have a secured interest in the nursing home bed rights?
Yes ___ No ___ **(If yes, go to question 3a; if no, go to question 3b)**
 - a. If building owner does have a secured interest the bed rights, submit an **original** statement signed by the building owner indicating the building owner's approval of the replacement. This written approval must also include a statement acknowledging that in the event the licensee is unable to complete the replacement project, the building owner will only be permitted to complete the project as referenced in [RCW 70.38.115](#)(14).
 - b. If the building owner does not have a secured interest in the bed rights, submit a copy of the notice sent to the building owner by the licensee informing the building owner of the replacement. This written notice must also include a statement acknowledging that in the event the licensee is unable to complete the replacement project, the building owner will only be permitted to complete the project as referenced in [RCW 70.38.115](#)(14).



6. Complete a timetable for implementing the proposed project. This information is used to monitor an approved project as required by [WAC 246-310-590](#). It may also be used for actions stated in [WAC 246-310-580](#) and [WAC 246-310-600](#).

Activity	Date
Funds necessary to undertake the project obtained	
Preliminary drawings submitted to Department of Health's Construction Review Services (CRS)	
Final drawings and specifications submitted to CRS	
Construction contract awarded	
50% of construction completed (based on dollar value of the construction contract awarded)	
Construction completed	
License obtained	
Facility operating—serving residents	

Note: *If the captions in the above table do not match events in the renovation project, provide a listing of applicable project events with the projected completion dates.*



Sample Affidavit

STATE OF WASHINGTON
COUNTY OF _____

Affidavit of **Name of Person Here**

_____, being first duly sworn, on oath deposes and says:

1. I am (this paragraph tells who you are and what you related to the project for which you are doing the affidavit. For example, you would give your job title, description, etc., and how long you have been in that position and why you are qualified to give this information.)
2. (This paragraph is broken down into paragraphs telling what you need to provide to the department for the Replacement Authorization.)
3. (This paragraph must be included in the affidavit)
As the current licensee of the facility to be replaced, **I understand that:**
 - I must be the licensee at the replaced facility;
 - The project cannot be completed if I do not intend to be the licensee at the replaced facility; and
 - If the building owner does not have a secured interest in the beds, the building owner has been notified and understands that they cannot complete the project if I, as the licensee, am unable to complete the project.

Date: _____ Signature: _____

SUBSCRIBED AND SWORN before me this _____ day of _____, year

NOTARY PUBLIC in and for the State
of Washington, residing at _____
My commission expires: _____

(Must have notary seal affixed to document)



Certificate of Need Program Revised Code of Washington (RCW) and Washington Administrative Code (WAC)

Certificate of Need Program laws [chapter 70.38 RCW](#)

Certificate of Need Program rules [chapter 246-310 WAC](#)

Certificate of Need [Frequently Asked Questions](#)

Nursing Home Bed Replacement rules

RCW Reference	Title/Topic
70.38.115	Certificates of need—Procedures—Rules—Criteria for review— Conditional certificates of need—Concurrent review—Review periods— Hearing—Adjudicative proceeding—Amended certificates of need
WAC Reference	Title/Topic
246-310-010	Definitions
246-310-397	Nursing home bed replacement notice requirements.
246-310-500	Issuance, suspension, denial, revocation, and transfer of a certificate of need
246-310-580	Validity and extensions
246-310-590	Monitoring of approved projects.
246-310-600	Withdrawal of a certificate of need
246-310-990	Certificate of need review fees.
Chapter 388-97	Nursing Homes

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