

MEDICAL EQUIPMENT" DOES NOT INCLUDE MEDICAL EQUIPMENT ACQUIRED BY OR ON BEHALF OF A CLINICAL LABORATORY TO PROVIDE CLINICAL LABORATORY SERVICES IF THE CLINICAL LABORATORY IS INDEPENDENT OF A PHYSICIAN'S OFFICE, A HOSPITAL, AND IT HAS BEEN DETERMINED TO MEET THE REQUIREMENTS OF THE SOCIAL SECURITY ACT OF 1935, AS AMENDED.

[(1)] (O) "Person" includes an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind and any partnership, firm, association, public or private corporation, or other entity.

(P) "REHABILITATION FACILITY" MEANS, FOR PURPOSES OF (M) OF THIS SECTION AND § 59J, AND INPATIENT FACILITY WHICH IS OPERATED FOR THE PRIMARY PURPOSE OF ASSISTING IN THE REHABILITATION OF DISABLED PERSONS THROUGH AN INTEGRATED PROGRAM OF MEDICAL AND OTHER SERVICES WHICH ARE PROVIDED UNDER COMPETENT PROFESSIONAL SUPERVISION. FOR ALL OTHER PURPOSES THE TERM REHABILITATION FACILITY INCLUDES, AN OUTPATIENT FACILITY.

(T) "STATE HEALTH PLAN" MEANS ANY PLAN, ITS MODIFICATIONS OR ADDITIONS APPROVED BY THE STATEWIDE HEALTH COORDINATING COUNCIL AND ESTABLISHED PURSUANT TO § 1524(C)(2)(A) OF THE FEDERAL ACT.

59J.

(a) (4) IN THE CASE OF A HEALTH MAINTENANCE ORGANIZATION OR AN AMBULATORY CARE FACILITY, OR A HEALTH MAINTENANCE ORGANIZATION OR A COMBINATION OF HEALTH MAINTENANCE ORGNIZATIONS WHICH CONTROL DIRECTLY OR INDIRECTLY AN AMBULATORY CARE FACILITY OR HEALTH CARE FACILITY, A CERTIFICATE OF NEED SHALL ONLY BE REQUIRED FOR THE OFFERING OF INPATIENT INSTITUTIONAL HEALTH SERVICES, THE ACQUISITION OF MAJOR MEDICAL EQUIPMENT, THE OBLIGATION OF CAPTIAL EXPENDITURES FOR THE OFFERING OF INPATIENT INSTITUTIONAL HEALTH SERVICES AND AS OTHERWISE PROVIDED FOR IN THE FEDERAL ACT, AND THEN ONLY TO THE EXTENT THAT THE REQUIREMENT IS NOT EXEMPTED BY STATE AGENCY REGULATIONS CONSISTENT WITH THE FEDERAL ACT.

(5) NOTWITHSTANDING PARAGRAPH (A)(1), AN APPLICATION FOR A CERTIFICATE OF NEED SHALL BE APPROVED FOR A CAPITAL EXPENDITURE WHICH IS REQUIRED TO:

(I) ELIMINATE OR PREVENT IMMINENT SAFETY HAZARDS AS DEFINED BY FEDERAL, STATE, OR LOCAL FIRE, BUILDING OR LIFE SAFETY CODES OR REGULATIONS;

(II) COMPLY WITH STATE LICENSURE STANDARDS; OR

(III) COMPLY WITH ACCREDITATION STANDARDS IN ORDER TO BE REIMBURSED UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT OR PAYMENTS UNDER A STATE PLAN FOR MEDICAL ASSISTANCE APPROVED UNDER TITLE XIX OF THE SOCIAL SECURITY