

ACT, UNLESS THE STATE AGENCY FINDS THAT THE FACILITY OR SERVICE WITH RESPECT TO WHICH THE CAPITAL EXPENDITURE IS PROPOSED TO BE MADE IS NOT NEEDED OR THAT THE OBLIGATION OF THE CAPITAL EXPENDITURE IS NOT CONSISTENT WITH THE STATE HEALTH PLAN. AN APPLICATION FOR A CERTIFICATE OF NEED APPROVED UNDER THIS SECTION PARAGRAPH SHALL BE APPROVED ONLY TO THE EXTENT THAT THE CAPITAL EXPENDITURE IS REQUIRED TO ELIMINATE OR PREVENT THE HAZARDS DESCRIBED IN PARAGRAPH (I) OR TO COMPLY WITH THE STANDARDS DESCRIBED IN PARAGRAPH (II) OR (III).

(6) (1) EXCEPT AS PROVIDED IN PARAGRAPH (A)(4), A CERTIFICATE OF NEED SHALL NOT BE REQUIRED FOR THE ACQUISITION OF MAJOR MEDICAL EQUIPMENT WHICH MAY NOT BE OWNED BY OR LOCATED IN A HEALTH CARE FACILITY UNLESS THE NOTICE REQUIRED BY PARAGRAPH (II) IS NOT FILED OR THE STATE AGENCY FINDS WITHIN 30 DAYS AFTER THE DATE IT RECEIVES SUCH NOTICE THAT THE EQUIPMENT WILL BE USED TO PROVIDE SERVICES TO INPATIENTS OF A HOSPITAL.

(II) BEFORE ANY PERSON ENTERS INTO A CONTRACTUAL ARRANGEMENT TO ACQUIRE MAJOR MEDICAL EQUIPMENT WHICH MAY NOT BE OWNED BY OR LOCATED IN A HEALTH CARE FACILITY, THE PERSON SHALL NOTIFY THE AGENCY OF THE INTENT TO ACQUIRE THE EQUIPMENT AND OF THE USE THAT WILL BE MADE OF THE EQUIPMENT. THE NOTICE SHALL BE MADE IN WRITING AND SHALL BE MADE AT LEAST 30 DAYS BEFORE CONTRACTUAL ARRANGEMENTS ARE ENTERED INTO TO ACQUIRE THE EQUIPMENT.

(III) FOR PURPOSES OF THIS SUBSECTION, DONATIONS AND LEASES OF MAJOR MEDICAL EQUIPMENT, AND A TRANSFER OF MAJOR MEDICAL EQUIPMENT FOR LESS THAN FAIR MARKET VALUE SHALL BE CONSIDERED AN ACQUISITION OF MAJOR MEDICAL EQUIPMENT, IF ITS FAIR MARKET VALUE IS AT LEAST \$150,000.

(b) The State agency shall promulgate rules and regulations and set standards regarding the application for and issuance of certificates of need, AND THE REQUIREMENTS FOR OBTAINING A CERTIFICATE, in accordance with the federal act and this subtitle.

(d) (1) All decisions of the State agency on an application for a certificate of need shall [be governed by the appropriate health system plan], EXCEPT IN EMERGENCY CIRCUMSTANCES POSING A THREAT TO PUBLIC HEALTH, BE CONSISTANT WITH THE STATE PLAN OR THE APPLICABLE HEALTH SYSTEMS PLAN provided for under the federal act and other criteria for review as established by the State agency. THE MERE FAILURE OF THE STATE HEALTH PLAN TO ADDRESS ANY PARTICULAR PROJECT SHALL NOT ALONE BE DEEMED TO RENDER SUCH PROJECT INCONSISTENT WITH THE STATE HEALTH PLAN.

(2) In order to properly review an application for a certificate of need, the State agency shall seek and consider data, information, and advice from other interested departments and agencies of the State, but such input shall