

(5) -- THIS -- SUBSECTION -- DOES -- NOT -- APPLY -- TO -- AN ACQUISITION OF A HEALTH CARE FACILITY IF, AT LEAST 30 DAYS BEFORE MAKING THE CONTRACTUAL ARRANGEMENT TO ACQUIRE THE FACILITY, WRITTEN NOTICE OF THE INTENT TO MAKE THE ARRANGEMENT IS FILED WITH THE COUNCIL AND THE COUNCIL DOES NOT FIND, WITHIN 30 DAYS AFTER THE COUNCIL RECEIVES THE NOTICE, THAT THE HEALTH SERVICES OR BED CAPACITY OF THE FACILITY WILL BE CHANGED.

(1) (1) -- A CERTIFICATE OF NEED IS REQUIRED BEFORE MAJOR MEDICAL EQUIPMENT THAT IS TO BE USED TO PROVIDE HEALTH CARE SERVICES IS LEASED OR OTHERWISE ACQUIRED BY A HEALTH CARE FACILITY IF THE TOTAL COST OF THE EQUIPMENT, INCLUDING EACH STUDY, SURVEY, DESIGN, PLAN, WORKING DRAWING, SPECIFICATION, AND OTHER ESSENTIAL ACTIVITY, EXCEEDS \$400,000 AFTER AN ANNUAL ADJUSTMENT FOR INFLATION BASED ON AN APPROPRIATE INDEX SPECIFIED BY THE COUNCIL.

(2) -- A CERTIFICATE OF NEED IS REQUIRED BEFORE MAJOR MEDICAL EQUIPMENT IS DONATED TO A HEALTH CARE FACILITY, IF A CERTIFICATE OF NEED WOULD BE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE HEALTH CARE FACILITY TO ACQUIRE THE EQUIPMENT DIRECTLY.

(3) -- A CERTIFICATE OF NEED IS REQUIRED BEFORE MAJOR MEDICAL EQUIPMENT IS TRANSFERRED TO A HEALTH CARE FACILITY AT LESS THAN FAIR MARKET VALUE, IF A CERTIFICATE OF NEED WOULD BE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE TRANSFER AT FAIR MARKET VALUE.

(4) -- THIS SUBSECTION DOES NOT APPLY TO MAJOR MEDICAL EQUIPMENT THAT:

(i) -- IS ACQUIRED BY OR ON BEHALF OF A CLINICAL LABORATORY TO PROVIDE CLINICAL LABORATORY SERVICE, IF THE CLINICAL LABORATORY IS NOT PART OF A HEALTH CARE FACILITY, OR

(ii) -- IS NOT OWNED BY OR LOCATED IN A HEALTH CARE FACILITY IF, AT LEAST 30 DAYS BEFORE MAKING THE CONTRACTUAL ARRANGEMENT TO ACQUIRE THE EQUIPMENT, WRITTEN NOTICE OF THE INTENT TO MAKE THE ARRANGEMENT IS FILED WITH THE COMMISSION AND THE COMMISSION DOES NOT FIND, WITHIN 30 DAYS AFTER THE COMMISSION RECEIVES THE NOTICE, THAT THE EQUIPMENT WILL BE USED TO PROVIDE SERVICES TO INPATIENTS OF A HEALTH CARE FACILITY.

19-113-

(A) -- CERTIFICATE OF NEED.

A -- CERTIFICATE OF NEED IS REQUIRED BEFORE AN AMBULATORY CARE FACILITY.

(1) -- OFFERS ANY HEALTH SERVICE.