

(3) A CERTIFICATE OF NEED IS REQUIRED BEFORE ANY EQUIPMENT OR PLANT 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) A CERTIFICATE OF NEED IS REQUIRED BEFORE A PERSON ACQUIRES A HEALTH CARE FACILITY IF A CERTIFICATE OF NEED WOULD BE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE ACQUISITION BY OR ON BEHALF OF THE HEALTH CARE FACILITY.

(5) THIS SUBSECTION DOES NOT APPLY TO:

(I) SITE ACQUISITION; OR

(II) 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 STATE AGENCY AND THE STATE AGENCY DOES NOT FIND, WITHIN 30 DAYS AFTER THE STATE AGENCY RECEIVES THE NOTICE, THAT THE HEALTH SERVICES OR BED CAPACITY OF THE FACILITY WILL BE CHANGED.

(H) MAJOR MEDICAL EQUIPMENT.

(1) A CERTIFICATE OF NEED IS REQUIRED BEFORE MEDICAL EQUIPMENT THAT IS TO BE USED TO PROVIDE MEDICAL OR OTHER HEALTH 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 \$150,000.

(2) A CERTIFICATE OF NEED IS REQUIRED BEFORE 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 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 MEDICAL EQUIPMENT THAT:

(I) IS ACQUIRED BY OR ON BEHALF OF A CLINICAL LABORATORY, AS DEFINED UNDER THE SOCIAL SECURITY ACT OF 1935, IF THE CLINICAL LABORATORY IS NOT PART OF A HOSPITAL OR THE OFFICE OF A PHYSICIAN; OR

(II) IS NOT OWNED BY OR LOCATED IN A