

~~3. THE EXPENDITURE RESULTS IN A SUBSTANTIAL CHANGE IN THE BED CAPACITY OF THE HEALTH CARE FACILITY; OR~~

~~4. THE EXPENDITURE RESULTS IN THE ESTABLISHMENT OF A NEW MEDICAL SERVICE IN A HEALTH CARE FACILITY THAT WOULD REQUIRE A CERTIFICATE OF NEED UNDER SUBSECTION (1) OF THIS SECTION; OR~~

~~(H) ANY EXPENDITURE THAT IS MADE TO LEASE OR, BY COMPARABLE ARRANGEMENT, OBTAIN ANY PLANT OR EQUIPMENT FOR THE HEALTH CARE FACILITY, IF:~~

~~1. THE EXPENDITURE IS MADE AS PART OF AN ACQUISITION, IMPROVEMENT, OR EXPANSION, AND, AFTER ADJUSTMENT FOR INFLATION AS PROVIDED IN THE RULES AND REGULATIONS OF THE COMMISSION, THE TOTAL EXPENDITURE, INCLUDING THE COST OF EACH STUDY, SURVEY, DESIGN, PLAN, WORKING DRAWING, SPECIFICATION, AND OTHER ESSENTIAL ACTIVITY, IS MORE THAN \$1,250,000;~~

~~2. THE EXPENDITURE IS MADE AS PART OF A REPLACEMENT OF ANY PLANT AND EQUIPMENT AND IS MORE THAN \$1,250,000 AFTER ADJUSTMENT FOR INFLATION AS PROVIDED IN THE REGULATIONS OF THE COMMISSION;~~

~~3. THE EXPENDITURE RESULTS IN A SUBSTANTIAL CHANGE IN THE BED CAPACITY OF THE HEALTH CARE FACILITY; OR~~

~~4. THE EXPENDITURE RESULTS IN THE ESTABLISHMENT OF A NEW MEDICAL SERVICE IN A HEALTH CARE FACILITY THAT WOULD REQUIRE A CERTIFICATE OF NEED UNDER SUBSECTION (1) OF THIS SECTION.~~

[(2)] (4) (3) A certificate of need is required before any equipment or plant is donated to a health care facility, if a certificate of need would be required under [paragraph (1)] PARAGRAPH (1), (2), OR (3) (1) OR (2) of this subsection for an expenditure by the health care facility to acquire the equipment or plant directly.

[(3)] (6) (4) 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)] PARAGRAPH (1), (2), OR (3) (1) OR (2) of this subsection for the transfer at fair market value.

[(4)] (6) (5) 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)] PARAGRAPH (1), (2), OR (3) (1) OR (2) of this subsection for the acquisition by or on behalf of the health care facility.

[(5)] (7) (6) This subsection does not apply to:

(i) Site acquisition;

(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 Commission and the Commission does not find, within 30 days after the Commission receives notice, that the health services or bed capacity of the facility will be changed, provided that, for a merger