

(III) A CAPITAL EXPENDITURE MADE AS PART OF A CONSOLIDATION OR MERGER OF 2 OR MORE HEALTH CARE FACILITIES, OR CONVERSION OF A HEALTH CARE FACILITY OR PART OF A FACILITY TO A NONHEALTH RELATED USE IF:

1. AT LEAST 45 DAYS BEFORE AN EXPENDITURE IS MADE, WRITTEN NOTICE OF INTENT IS FILED WITH THE COMMISSION; AND

2. WITHIN 45 DAYS OF RECEIVING NOTICE, THE COMMISSION IN ITS SOLE DISCRETION FINDS THAT THE PROPOSED CONSOLIDATION, MERGER, OR CONVERSION:

A. IS NOT INCONSISTENT WITH THE STATE HEALTH PLAN OR ANY THE INSTITUTION SPECIFIC PLAN DEVELOPED BY THE COMMISSION AS APPROPRIATE;

B. WILL RESULT IN THE DELIVERY OF MORE EFFICIENT AND EFFECTIVE HEALTH CARE SERVICES; AND

C. IS IN THE PUBLIC INTEREST-; AND

3. WITHIN 45 DAYS OF RECEIVING NOTICE, THE COMMISSION SHALL NOTIFY THE HEALTH CARE FACILITY OF ITS FINDING.

(m) [Subsections (e) through (m) shall take effect July 1, 1982.] A CERTIFICATE OF NEED IS NOT REQUIRED TO CLOSE ANY HOSPITAL OR PART OF A HOSPITAL AS DEFINED IN § 19-301 OF THIS TITLE IF:

(1) AT LEAST 30 45 DAYS BEFORE CLOSING, WRITTEN NOTICE OF INTENT TO CLOSE IS FILED WITH THE COMMISSION; AND

(2) WITHIN--30--DAYS---OF---RECEIVING---NOTICE, THE COMMISSION IN ITS SOLE DISCRETION FINDS THAT THE PROPOSED CLOSING IS NOT INCONSISTENT WITH THE STATE HEALTH PLAN OR ANY THE INSTITUTION SPECIFIC PLAN DEVELOPED BY THE COMMISSION--OR AND IS IN THE PUBLIC INTEREST--; AND

(3) WITHIN 45 DAYS OF RECEIVING NOTICE THE COMMISSION SHALL NOTIFY THE HEALTH CARE FACILITY OF ITS FINDINGS.

~~(N)--IN-CONSIDERING-A-CERTIFICATE-OF-NEED-UNDER-THIS-SECTION PRIORITY--SHALL--BE--GIVEN--TO--THE--CONVERSION--OF--EXCESS-ACUTE CAPACITY-TO-ALTERNATIVE-USES-WHERE-APPROPRIATE-~~

(N) IN THIS SUBSECTION SECTION THE TERMS "CONSOLIDATION" AND "MERGER" INCLUDE INCREASES AND DECREASES IN BED CAPACITY OR SERVICES AMONG THE COMPONENTS OF AN ORGANIZATION WHICH:

(1) OPERATES MORE THAN ONE HEALTH CARE FACILITY; OR