

(h) (1) A certificate of need is required before the bed capacity of a health care facility is changed.

(2) This subsection does not apply to any increase or decrease in bed capacity if:

(i) During a 2-year period the increase or decrease would not exceed the lesser of 10 percent of the total bed capacity or 10 beds; [or]

~~(II) 1. THE INCREASE OR DECREASE WOULD CHANGE THE BED CAPACITY FOR AN EXISTING MEDICAL SERVICE-7-; AND WOULD NOT INCREASE TOTAL BED CAPACITY; OR~~

~~2-A. 1. THE CHANGE WOULD NOT INCREASE TOTAL BED CAPACITY;~~

~~B. 2. THE CHANGE IS MAINTAINED FOR AT LEAST A 1-YEAR PERIOD; AND~~

~~C. 3. AT LEAST 45 DAYS PRIOR TO THE CHANGE, THE HOSPITAL PROVIDES WRITTEN NOTICE TO THE COMMISSION DESCRIBING THE CHANGE AND PROVIDING AN UPDATED INVENTORY OF THE HOSPITAL'S LICENSED BED COMPLEMENT; OR~~

[(ii)] (III) 1. At least 45 days before increasing or decreasing bed capacity, written notice of intent to change bed capacity is filed with the Commission; and

2. The Commission in its sole discretion finds that the proposed change:

A. Is pursuant to the 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;

B. Is not inconsistent with the State health plan or the institution-specific plan developed by the Commission;

C. Will result in the delivery of more efficient and effective health care services; and

D. Is in the public interest.

(3) Within 45 days of receiving notice, the Commission shall notify the health care facility of its finding.

(i) (1) A certificate of need is required before the type or scope of any health care service is changed if the health care service is offered: