

(iv) 1. At least 45 days before increasing or decreasing the volume of 1 or more [patient] HEALTH CARE services, written notice of intent to change the volume of [patient] HEALTH CARE services is filed with the Commission;

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 and adopted by the Commission;

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

D. Is in the public interest; and

3. Within 45 days of receiving notice under item 1. of this paragraph, the Commission shall notify the health care facility of its finding.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, a certificate of need is required:

(i) Before an additional home health agency, branch office, or home health care service is established by an existing health care agency or facility;

(ii) Before an existing home health agency or health care facility establishes a home health agency or home health care service at a location in the service area not included under a previous certificate of need or license; [or]

(iii) Before a transfer of ownership of any branch office of a home health agency or home health care service of an existing health care facility that separates the ownership of the branch office from the home health agency or home health care service of an existing health care facility which established the branch office[.]; OR

(IV) BEFORE THE EXPANSION OF A HOME HEALTH SERVICE OR PROGRAM BY A HEALTH CARE FACILITY THAT:

1. ESTABLISHED THE HOME HEALTH SERVICE OR PROGRAM WITHOUT A CERTIFICATE OF NEED BETWEEN JANUARY 1, 1984 AND JULY 1, 1984; AND