

3. The expenditure results in a substantial change in the bed capacity of the health care facility; or

4. The expenditure results in [a substantial change in the services of] 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)~~ 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) of this subsection for an expenditure by the health care facility to acquire the equipment or plant directly.~~-}~~

~~-(3)-}~~ ~~{2}~~ 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)-}~~ ~~{3}~~ 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)-}~~ ~~{4}~~ 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;

(iii) Acquisition of business or office equipment that is not directly related to patient care;

(iv) Capital expenditures to the extent that they are directly related to the acquisition and installation of major medical equipment;

(v) 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;