

(III) THE PROPOSED CHANGE WOULD ESTABLISH, INCREASE, OR DECREASE A HEALTH CARE SERVICE AND THE CHANGE WOULD NOT RESULT IN THE:

1. ESTABLISHMENT OF A NEW MEDICAL SERVICE OR ELIMINATION OF AN EXISTING MEDICAL SERVICE;

2. ESTABLISHMENT OF AN OPEN HEART SURGERY, ORGAN TRANSPLANT SURGERY, BURN OR NEONATAL INTENSIVE HEALTH CARE SERVICE;

3. ESTABLISHMENT OF A HOME HEALTH PROGRAM, HOSPICE PROGRAM, OR FREESTANDING AMBULATORY SURGICAL CENTER OR FACILITY PROGRAM; OR

4. EXPANSION OF A COMPREHENSIVE CARE PROGRAM, ~~INCLUDING AN INTERMEDIATE CARE OR EXTENDED CARE PROGRAM,~~ EXTENDED CARE, INTERMEDIATE CARE, RESIDENTIAL TREATMENT, PSYCHIATRY, OR REHABILITATION MEDICAL SERVICE, EXCEPT FOR AN EXPANSION RELATED TO AN INCREASE IN TOTAL BED CAPACITY IN ACCORDANCE WITH SUBSECTION (H)(2)(I) OF THIS SECTION; OR

(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: