

2. Does not require, over the entire period or schedule of debt service associated with the project, a total cumulative increase in patient charges or hospital rates of more than \$1,500,000 for the capital costs associated with the project as determined by the Commission, after consultation with the Health Services Cost Review Commission;

3. At least 45 days before the proposed expenditure is made, the hospital notifies the Commission and within 45 days of receipt of the relevant financial information, the Commission makes the financial determination required under item 2 of this subparagraph; and

4. The relevant financial information to be submitted by the hospital is defined in regulations promulgated by the Commission, after consultation with the Health Services Cost Review Commission; or

(ix) A plant donated to a hospital as defined in § 19-301 of this title, which does not require a cumulative increase in patient charges or hospital rates of more than \$1,500,000 for capital costs associated with the donated plant as determined by the Commission, after consultation with the Health Services Cost Review Commission that:

1. At least 45 days before the proposed donation is made, the hospital notifies the Commission and within 45 days of receipt of the relevant financial information, the Commission makes the financial determination required under this subparagraph; and

2. The relevant financial information to be submitted by the hospital is defined in regulations promulgated by the Commission after consultation with the Health Services Cost Review Commission.

(6) Paragraph (5)(vi), (vii), (viii), and (ix) of this subsection may not be construed to permit a facility to offer a new health care service for which a certificate of need is otherwise required.

~~(7) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT A HOSPITAL FROM ACQUIRING A FREESTANDING AMBULATORY SURGICAL FACILITY OR PHYSICIAN GROUP PRACTICE WITHOUT OBTAINING A CERTIFICATE OF NEED FROM THE COMMISSION IF THE FACILITY OR PRACTICE HAS OBTAINED A CERTIFICATE OF NEED OR AN EXEMPTION FROM CERTIFICATE OF NEED REQUIREMENTS.~~

(7) SUBJECT TO THE NOTICE REQUIREMENTS OF PARAGRAPH (5)(II) OF THIS SUBSECTION, A HOSPITAL MAY ACQUIRE A FREESTANDING AMBULATORY SURGICAL FACILITY OR OFFICE OF ONE OR MORE HEALTH CARE PRACTITIONERS OR A GROUP PRACTICE WITH ONE OR MORE OPERATING ROOMS USED PRIMARILY FOR THE PURPOSE OF PROVIDING AMBULATORY SURGICAL SERVICES IF THE FACILITY, OFFICE, OR GROUP PRACTICE:

(I) HAS OBTAINED A CERTIFICATE OF NEED;

(II) HAS OBTAINED AN EXEMPTION FROM CERTIFICATE OF NEED REQUIREMENTS; OR