

(2) (III) DOES NOT INVOLVE COMPREHENSIVE OR EXTENDED CARE BEDS; AND

(4) (IV) DOES NOT OCCUR EARLIER THAN 45 DAYS AFTER A NOTICE OF INTENT TO REALLOCATE BED CAPACITY IS FILED WITH THE COMMISSION.

(2) A HOSPITAL MAY NOT CREATE A NEW HEALTH CARE SERVICE THROUGH THE RELOCATION OF BEDS FROM ONE COUNTY TO ANOTHER COUNTY PURSUANT TO THIS SUBSECTION.

[(i)] (J) (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:

- (i) By a health care facility;
- (ii) In space that is leased from a health care facility; or
- (iii) In space that is on land leased from a health care facility.

(2) This subsection does not apply if:

(i) The Commission adopts limits for changes in health care services and the proposed change would not exceed those limits;

(ii) The proposed change and the annual operating revenue that would result from the addition is entirely associated with the use of medical equipment;

(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, or burn or neonatal intensive health care service;

3. Establishment of a home health program, hospice program, or freestanding ambulatory surgical center or facility; or

4. Expansion of a comprehensive care, 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 health care services, written notice of intent to change the volume of 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] THE conversion of a health care facility or part of a facility