

(III) ACQUISITION OF BUSINESS OR OFFICE EQUIPMENT THAT IS NOT DIRECTLY RELATED TO PATIENT CARE; OR

(IV) CAPITAL EXPENDITURES TO THE EXTENT THAT THEY ARE DIRECTLY RELATED TO THE ACQUISITION AND INSTALLATION OF MAJOR MEDICAL EQUIPMENT.

{1}- {1}--IN---THIS--SUBSECTION,--A--"HEALTH--CARE--FACILITY" INCLUDES--THE--OFFICE--OF--1--OR--MORE---LICENSED---HEALTH---CARE PROFESSIONALS--OR--ANY--PRIVATE--ENTITY--THAT--PROVIDES--HEALTH--CARE SERVICES--IN--THIS--STATE.

{ {1} }- {2}--A--certificate-of-need--is--required--before medical--equipment--that--is--to--be--used--to--provide--health--care services--is--leased--or--otherwise--acquired--by--a--health--care facility--if--the--total--cost--of--the--equipment,--including--each study,--survey,--design,--plan,--working--drawing,--specification,--and other--essential--activity,--exceeds--\$400,000--after--adjustment--for inflation--as--provided--in--the--regulations--of--the--Commission.

{ {2} }- {3}--A--certificate-of-need--is--required--before medical--equipment--is--donated--to--a--health--care--facility,--if--a certificate-of-need--would--be--required--under--paragraph--{1}--of--this subsection--for--the--health--care--facility--to--acquire--the--equipment directly.

{ {3} }- {4}--A--certificate--of--need--is--required--before medical--equipment--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} }- {5}--This--subsection--does--not--apply--to--medical equipment--that.

{i}--Is--acquired--by--or--on--behalf--of--a--clinical laboratory,--as--defined--under--the--Social--Security--Act--of--1935,--if the--clinical--laboratory--is--not--part--of--a--hospital--or--the--office of--a--physician,--or

{ii}--Is--{not}--owned--by--or--located--in--a--{health care--facility} HOSPITAL--OR--RELATED--INSTITUTION--AS--DEFINED--IN--§ 19-301--OF--THIS--TITLE if,--at--least--30--days--before--making--the contractual--arrangement--to--acquire--the--equipment,--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--the--notice,--that--the--equipment--will--be used--to--provide--services--to--{inpatients} PATIENTS of--a--hospital OR--RELATED--INSTITUTION on--a--regular--basis.

SUBTITLE 10. MAJOR MEDICAL EQUIPMENT