

216B.065 Notification of intent to acquire facility or equipment -- Conditions requiring a certificate of need for acquisition.

- (1) Before any person enters into a contractual agreement to acquire a licensed health facility, the person shall notify the cabinet of the intent to acquire the facility or major medical equipment and of the services to be offered in the facility and its bed capacity or the use of the medical equipment. The notice shall be in writing and shall be filed at least thirty (30) days prior to entry into a contract to acquire the health facility or major medical equipment with respect to which the notice is given.
- (2) A certificate of need shall be required for the acquisition of a health facility or major medical equipment, only if:
 - (a) The notice required in this section is not filed and the arrangement will require the obligation of a capital expenditure which exceeds the capital expenditure minimum; or
 - (b) The cabinet finds within thirty (30) days after the date it received notice that the health services or bed capacity of the health facility will be substantially changed in being acquired.
- (3) Donations, transfers, and leases of major medical equipment and health facilities shall be considered acquisitions of equipment and facilities, and an acquisition of medical equipment or a facility for less than fair market value shall be considered an acquisition if the fair market value exceeds the expenditure minimum.
- (4) Before any health facility reduces or terminates a health service or reduces its bed capacity, the facility shall notify the cabinet of its intent. The notice shall be in writing and shall be filed at least thirty (30) days prior to the reduction or termination. A certificate of need shall be required for the reduction or termination only if the notice required in this section is not filed.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 371, sec. 47, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 512, Part 7, sec. 33, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 499, sec. 6, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 210, sec. 16, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 347, sec. 13, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 135, sec. 12, effective July 15, 1980.