

**216B.066 Cabinet to be notified prior to acquiring certain major medical equipment, a health service is offered, or a capital expenditure is made or obligated -- Certificate of need may be required.**

- (1) Before a health facility acquires major medical equipment to be used solely for research, offers a health service solely for research, or makes or obligates a capital expenditure solely for research, which exceeds the prescribed minimum, the health facility shall notify the cabinet of its intent to do so. The notice shall be in writing and shall be made sixty (60) days prior to the acquisition, offering, or making or obligation of the expenditure with respect to which notice is given. The notice shall state the use to be made of the major medical equipment, health service, or capital expenditure.
- (2) A certificate of need shall be required for the acquisition of major medical equipment solely for research, the offering of a health service solely for research, or the making or obligating of a capital expenditure solely for research by a health facility, only if:
  - (a) The notice required by this section is not filed; or
  - (b) The cabinet finds within sixty (60) days after it receives notice that the project or transaction for which notice is given will affect the charges of the facility for the provision of medical or other patient care services other than services which are included in the research, will substantially change the bed capacity of the facility, or will substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, making or obligation.
- (3) If major medical equipment is acquired, a health service is offered, or a capital expenditure is made or obligated and, pursuant to this section, no certificate of need is required, the equipment, service, or facilities acquired through the capital expenditure shall not be used in a manner which would affect the charges of the facility for the provision of medical or other patient care services other than that included in the research, substantially change the bed capacity of the facility, or substantially change the medical or other patient care services of the facility unless a certificate of need is issued.
- (4) For purposes of this section, "solely for research" means patient care provided on an occasional and irregular basis and not as part of a research project.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 371, sec. 48, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 512, Part 7, sec. 34, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 210, sec. 17, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 347, sec. 14, effective July 15, 1982.