

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 740  
HOUSE BILL 1132

AN ACT TO MAKE CHANGES IN THE CERTIFICATE OF NEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-176(16)b. is amended by rewriting the third sentence to read: "The expenditure minimum is one million dollars (\$1,000,000) for the 12-month period beginning October 1, 1985".

Sec. 2. G.S. 131E-176(15) is rewritten to read:

"(15) 'Major Medical Equipment' means a single unit or a single system of components with related functions which is used to provide medical and other health services and which costs more than six hundred thousand dollars (\$600,000). In determining whether medical equipment costs more than six hundred thousand dollars (\$600,000), the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to acquiring the equipment shall be included. If the equipment is acquired for less than fair market value, the cost shall be deemed to be the fair market value."

Sec. 3. G.S.131E-178(a) is amended by adding a new sentence following the second period to read: "A hospital shall not be required to obtain a certificate of need for a new institutional health service offered or developed by or on behalf of the hospital for outpatients in a freestanding facility unless all other persons offering or developing the same new institutional health service in a freestanding facility are required under this Article to obtain a certificate of need."

Sec. 4. G.S. 131E-180 is amended by deleting the word "shall" in the fifth sentence of subsection (b) and in the first sentence of subsection (e), and inserting "may".

Sec. 5. Severability. If any provision of this act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the invalidity will not affect other provisions or applications that can be given effect without the invalid provision or application; and to this end the provisions of this act are severable.

Sec. 6. G.S. 131E-176(16)g. is amended by deleting the semicolon at the end of the provision and adding the following: "or the acquisition by any person of major medical equipment that includes magnetic resonance imaging and lithotripters, regardless of ownership or location;"

G.S. 131E-176(16)h. is amended by deleting the semicolon at the end of the provision and adding the following to read: ", or the Department, within 30 days after

receipt of the notice, finds that the major medical equipment is among the types enumerated in g. above;".

Sec. 7. This act is effective upon ratification except that Section 4 shall not apply to an acquisition of major medical equipment for which a notice of acquisition pursuant to G.S. 131E-176(16)(h) has been approved by the Department prior to the effective date.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.