

216B.065 Notification of intent to acquire facility or equipment -- Conditions requiring a certificate of need for acquisition -- General Assembly approval required for certain acquisitions by University of Kentucky, University of Louisville, or university affiliates.

- (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.
- (5)
 - (a) Before acquiring or constructing an acute care hospital as defined in KRS 216B.0425 that is required to be licensed under KRS 216B.042, the University of Kentucky or the University of Louisville, or a medical system or college or school of medicine affiliate thereof, shall first obtain the approval of the General Assembly by means of an act or joint resolution explicitly identifying and authorizing the acquisition or construction of the specific acute care hospital.
 - (b) The approval required under paragraph (a) of this subsection shall be in addition to any certificate of need required to acquire or construct an acute care hospital.
 - (c)
 1. Nothing in this subsection shall be interpreted or construed to apply to a pediatric teaching hospital as defined in KRS 205.565.
 2. Paragraph (a) of this subsection shall not apply to the acquisition or construction of an acute care hospital within thirty (30) miles of the affiliated university's primary academic campus.
 3. After May 31, 2026, the acquisition or construction of an acute care hospital valued at less than ten million dollars (\$10,000,000) shall be

exempt from the provisions of paragraph (a) of this subsection.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 90, sec. 4, effective July 15, 2024. -- 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.