

By Mr. Aleixo of Taunton, petition of Theodore J. Aleixo, Jr., for legislation to further regulate the determination of need program for health care facilities. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-One.

AN ACT FURTHER REGULATING THE DETERMINATION OF NEED PROGRAM.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 25B of chapter 111 of the General Laws, as most recently  
2 amended by section 2 of chapter 541 of the acts of 1980, is hereby  
3 further amended by striking the definition of "Substantial capital  
4 expenditure" and inserting in place thereof the following defini-  
5 tion: —

6 "Substantial capital expenditure", (1) the expenditure, or obli-  
7 gation, of a sum of money for construction of a health care facility  
8 (A) which under generally accepted accounting principles is not  
9 properly chargeable as an expense of operation and maintenance,  
10 or is made by lease or comparable arrangement, and (B) which  
11 exceeds, or may reasonably be regarded as leading to an expendi-  
12 ture for construction in excess of the expenditure minimum deter-  
13 mined pursuant to this section for an undertaking sufficiently  
14 specific to constitute the subject matter of an application for a  
15 determination of need under section twenty-five C; or (2) the  
16 obtaining by lease or comparable arrangement, by donation, or by  
17 transfer for less than fair market value of capital equipment or a  
18 facility or part thereof with a fair market value in excess of the  
19 expenditure minimum.

20 For purposes of this section, expenditure minimum shall mean  
21 one hundred and fifty thousand dollars to be adjusted annually to  
22 reflect the change in the preceding twelve-month period in an index  
23 designated in regulations by the Secretary of the Department of  
24 Health and Human Services for purposes of making such adjust-  
25 ment.

