

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 521
SENATE BILL 620

AN ACT TO AMEND THE CERTIFICATE OF NEED LAW TO PERMIT THE
TRANSFER OR ASSIGNMENT OF CERTAIN CERTIFICATES OF NEED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-181 is amended by adding the following passage at the conclusion:

"Provided, however, that a certificate of need granted to operate a hospital may be transferred or assigned to another person undertaking a legal obligation to own or operate the hospital if the Department determines that:

1. the existing hospital cannot reasonably continue operating in a manner sufficient to provide the health services for which its certificate of need was granted;
2. another person is ready, willing and able to assume ownership or operation of the hospital and to provide the appropriate and needed health services;
3. failure to approve the transfer or assignment would likely result in a significant deficiency in the level of health services available in the area to be served; and
4. there is no pending application for a certificate of need which is likely to be granted for providing the appropriate and needed services within time to prevent a significant deficiency in the level of health services available in the area to be served.

Any certificate of need transferred or assigned under this section may be under such conditions as the Department considers necessary to best protect the health and lives of the people of this State."

Sec. 2. This act is effective upon ratification, and shall expire July 1, 1987.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.