

If the State agency receives an application for a certificate of need for a health care project that would create a new health care service or abolish an existing health care service, the State agency shall give the following government officials notice of the filing:

(1) Each member of the General Assembly in whose district the action is planned;

(2) Each member of the governing body for the county where the action is planned; and

(3) The county executive, if any, in whose county the action is planned.

(b) Evaluation of applications.

To review an application for a certificate of need properly, the State agency shall seek and consider information and advice from other interested agencies of this State. However, the State agency has final responsibility and authority, which it may not delegate, to act on the application.

(c) Approval required.

(1) Unless any emergency poses a threat to public health, the State agency shall make its decision in accordance with:

(i) The current State health plan approved by the Council under the Federal Act or an applicable plan of a health systems agency; and

(ii) The standards of the State agency.

(2) A project is not inconsistent with the State health plan only because that plan does not include the specific project.

(3) Unless the State agency finds that the facility or service for which the proposed expenditure is to be made is not needed or is not consistent with the State health plan, the State agency shall approve an application for a certificate of need required under § 19-112(g) of this subtitle to the extent that the expenditure is to be made to:

(i) Eliminate or prevent an imminent safety hazard, as defined by federal, State, or local fire, building, or life safety codes or regulations;

(ii) Comply with State licensing standards; or