

(II) IS NOT OWNED BY OR LOCATED IN A HEALTH CARE FACILITY IF, AT LEAST 30 DAYS BEFORE MAKING THE CONTRACTUAL ARRANGEMENT TO ACQUIRE THE EQUIPMENT, WRITTEN NOTICE OF THE INTENT TO MAKE THE ARRANGEMENT IS FILED WITH THE COMMISSION AND THE COMMISSION DOES NOT FIND, WITHIN 30 DAYS AFTER THE COMMISSION RECEIVES THE NOTICE, THAT THE EQUIPMENT WILL BE USED TO PROVIDE SERVICES TO INPATIENTS OF A HOSPITAL ON A REGULAR BASIS.

(M) SUBSECTIONS (E) THROUGH (M) SHALL TAKE EFFECT JULY 1, 1982.

19-116.

(A) IN THIS SECTION, "HEALTH MAINTENANCE ORGANIZATION" MEANS A HEALTH MAINTENANCE ORGANIZATION UNDER SUBTITLE 7 OF THIS TITLE OR UNDER THE FEDERAL PUBLIC HEALTH SERVICE ACT OF 1975.

(B) EXCEPT AS REQUIRED BY FEDERAL LAW, A CERTIFICATE OF NEED IS NOT REQUIRED FOR A HEALTH MAINTENANCE ORGANIZATION OR A HEALTH CARE FACILITY CONTROLLED DIRECTLY OR INDIRECTLY BY A HEALTH MAINTENANCE ORGANIZATION. HOWEVER, IF THE FEDERAL PUBLIC HEALTH SERVICE ACT IS REPEALED IN WHOLE OR IN SUCH PARTS AS IT REFERS TO HEALTH MAINTENANCE ORGANIZATIONS, HEALTH MAINTENANCE ORGANIZATIONS ARE SUBJECT TO THE PROVISIONS OF CHAPTER _____ (H.B. 1637) OF THE ACTS OF THE GENERAL ASSEMBLY OF 1982.

19-117.

A CERTIFICATE OF NEED IS REQUIRED BEFORE AN AMBULATORY CARE FACILITY:

(1) OFFERS ANY HEALTH SERVICE:

(I) THROUGH A HEALTH CARE FACILITY;

(II) IN SPACE LEASED FROM A HEALTH CARE FACILITY; OR

(III) IN SPACE ON LAND LEASED FROM A HEALTH CARE FACILITY;

(2) TO PROVIDE THOSE SERVICES, MAKES AN EXPENDITURE, IF A CERTIFICATE OF NEED WOULD BE REQUIRED UNDER SECTION 19-115(K) OF THIS SUBTITLE FOR THE EXPENDITURE BY OR ON BEHALF OF A HEALTH CARE FACILITY;

(3) ACQUIRES MEDICAL EQUIPMENT IF A CERTIFICATE OF NEED WOULD BE REQUIRED UNDER SECTION 19-115(L) OF THIS SUBTITLE FOR THE ACQUISITION BY A HEALTH CARE FACILITY; OR

(4) DOES ANYTHING ELSE FOR WHICH THE FEDERAL ACT REQUIRES A CERTIFICATE OF NEED AND THAT THE COMMISSION HAS NOT EXEMPTED FROM THAT REQUIREMENT.