

19-118.

(A) IF THE COMMISSION 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 COMMISSION SHALL GIVE NOTICE OF THE FILING BY PUBLICATION IN THE MARYLAND REGISTER AND GIVE THE FOLLOWING NOTICE TO:

(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;

(3) THE COUNTY EXECUTIVE, MAYOR, OR CHIEF EXECUTIVE OFFICER, IF ANY, IN WHOSE COUNTY OR CITY, THE ACTION IS PLANNED;

(4) ANY HEALTH CARE PROVIDER, THIRD PARTY PAYOR, LOCAL PLANNING AGENCY, OR ANY OTHER PERSON THE COMMISSION KNOWS HAS AN INTEREST IN THE APPLICATION.

(B) FAILURE TO GIVE NOTICE SHALL NOT ADVERSELY AFFECT THE APPLICATION.

(C) (1) ALL DECISIONS OF THE COMMISSION ON AN APPLICATION FOR A CERTIFICATE OF NEED, EXCEPT IN EMERGENCY CIRCUMSTANCES POSING A THREAT TO PUBLIC HEALTH, SHALL BE CONSISTENT WITH THE STATE HEALTH PLAN AND THE STANDARDS FOR REVIEW ESTABLISHED BY THE COUNCIL.

(2) THE MERE FAILURE OF THE STATE HEALTH PLAN TO ADDRESS ANY PARTICULAR PROJECT OR HEALTH CARE SERVICE SHALL NOT ALONE BE DEEMED TO RENDER THE PROJECT INCONSISTENT WITH THE STATE HEALTH PLAN.

(3) UNLESS THE COMMISSION 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 COMMISSION SHALL APPROVE AN APPLICATION FOR A CERTIFICATE OF NEED REQUIRED UNDER SECTION 19-115(K) 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

(III) COMPLY WITH ACCREDITATION STANDARDS FOR REIMBURSEMENT UNDER TITLE XVIII OF THE SOCIAL SECURITY