

ACT OR UNDER THE STATE MEDICAL ASSISTANCE PROGRAM APPROVED UNDER TITLE XIX OF THE SOCIAL SECURITY ACT.

(D) THE COMMISSION ALONE SHALL HAVE FINAL NONDELEGABLE AUTHORITY TO ACT UPON AN APPLICATION FOR A CERTIFICATE OF NEED, EXCEPT AS PROVIDED IN THIS SUBSECTION.

(1) SEVEN VOTING MEMBERS OF THE COMMISSION SHALL BE A QUORUM.

(2) THE COMMISSION MAY DELEGATE TO A COMMITTEE THE RESPONSIBILITY FOR REVIEW OF AN APPLICATION FOR A CERTIFICATE OF NEED, INCLUDING THE HOLDING OF AN EVIDENTIARY HEARING.

(3) THE COMMITTEE SHALL MAKE A RECOMMENDATION TO THE FULL COMMISSION TO GRANT OR DENY AN APPLICATION.

(4) THE FULL COMMISSION SHALL, AFTER DETERMINING THAT THE COMMITTEE'S REPORT IS COMPLETE, VOTE TO APPROVE, APPROVE WITH CONDITIONS, OR DENY THE APPLICATION ON THE BASIS OF THE COMMITTEE'S RECOMMENDATION AND THE WHOLE RECORD BEFORE THE COMMITTEE.

(5) THE DECISION OF THE COMMISSION SHALL BE BY A MAJORITY OF THE QUORUM PRESENT AND VOTING, EXCEPT THAT NO PROJECT SHALL BE APPROVED WITHOUT THE AFFIRMATIVE VOTE OF AT LEAST TWO CONSUMER MEMBERS OF THE COMMISSION.

(E) IF ANY PARTY OR INTERESTED PERSON REQUESTS AN EVIDENTIARY HEARING WITH RESPECT TO A CERTIFICATE OF NEED APPLICATION, THE COMMISSION OR A COMMITTEE OF THE COMMISSION SHALL HOLD THE HEARING IN ACCORDANCE WITH THE CONTESTED CASE PROCEDURES OF THE ADMINISTRATIVE PROCEDURE ACT.

(F) (1) AN APPLICATION FOR A CERTIFICATE OF NEED SHALL BE ACTED UPON BY THE COMMISSION NO LATER THAN 150 DAYS AFTER THE APPLICATION WAS DOCKETED.

(2) IF AN EVIDENTIARY HEARING IS NOT REQUESTED, THE COMMISSION'S DECISION ON AN APPLICATION SHALL BE MADE NO LATER THAN 120 DAYS AFTER THE APPLICATION WAS DOCKETED.

(G) (1) THE APPLICANT OR ANY PERSON AGGRIEVED BY THE DECISION MAY PETITION THE COMMISSION WITHIN 15 DAYS FOR A RECONSIDERATION.

(2) THE COMMISSION SHALL DECIDE WHETHER OR NOT IT WILL RECONSIDER ITS DECISION WITHIN 30 DAYS OF RECEIPT OF THE PETITION FOR RECONSIDERATION.

(3) THE COMMISSION SHALL ISSUE ITS RECONSIDERATION DECISION WITHIN 30 DAYS OF ITS DECISION ON THE PETITION.