

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) CERTIFICATE OF NEED.

A CERTIFICATE OF NEED IS REQUIRED BEFORE A HEALTH MAINTENANCE ORGANIZATION OR 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 § 19-112(G) 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 § 19-112(H) 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 STATE AGENCY HAS NOT EXEMPTED FROM THAT REQUIREMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 41, §§ 59D(1)(1) and (m) and 59J(a)(4).

The former reference to "a combination of health maintenance organizations which control ... { a } facility" is deleted as unnecessary.

Former Article 41, § 59D(1)(2), which described health maintenance organizations, is deleted as unnecessary in light of the reference to Subtitle 7 of this title.

Defined terms: "Certificate of need" § 19-101
 "Federal Act" § 19-101 "State agency" § 19-101
 "Health care facility" § 19-101

19-114. STANDARDS.

THE STATE AGENCY SHALL ADOPT RULES AND REGULATIONS THAT SET STANDARDS FOR APPLYING FOR AND ISSUING CERTIFICATES OF NEED.