

REVISOR'S NOTE: This section formerly appeared as Article 41, § 59J(b):

The former reference to "requirements for obtaining" is deleted as unnecessary in light of the broad reference to "standards for ... issuing".

The former phrase "in accordance with the federal act and this subtitle" is deleted as unnecessary.

The only other changes are in style.

Defined terms: "Certificate of need" § 19-101
"State agency" § 19-101

19-115. ACTION ON APPLICATIONS.

(A) NOTICE.

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