

## (II) THE STANDARDS OF THE STATE AGENCY.

(2) A PROJECT IS NOT INCONSISTENT WITH THE STATE HEALTH PLAN ONLY BECAUSE THAT PLAN DOES NOT INCLUDE THE SPECIFIC PROJECT.

(3) UNLESS THE STATE AGENCY 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 STATE AGENCY SHALL APPROVE AN APPLICATION FOR A CERTIFICATE OF NEED REQUIRED UNDER § 19-112(G) 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 ACT OR UNDER THE STATE MEDICAL ASSISTANCE PROGRAM APPROVED UNDER TITLE XIX OF THE SOCIAL SECURITY ACT.

## (D) DEADLINE FOR ACTION.

(1) THE STATE AGENCY SHALL ACT ON AN APPLICATION FOR A CERTIFICATE OF NEED WITHIN 210 DAYS AFTER THE STATE AGENCY RECEIVES THE APPLICATION OR WITHIN ANY SHORTER PERIOD THAT THE STATE AGENCY HAS SET FOR APPROVAL OR DISAPPROVAL OF APPLICATIONS.

(2) IF THE STATE AGENCY DOES NOT ACT ON AN APPLICATION WITHIN THE REQUIRED PERIOD, THE APPLICANT MAY FILE WITH A COURT OF COMPETENT JURISDICTION WITHIN 30 DAYS AFTER THE EXPIRATION OF THE PERIOD A PETITION TO REQUIRE THE STATE AGENCY TO ACT ON THE APPLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 41, §§ 59D(s) and (t) and 59J(a)(5), (c), (d), and (e).

In subsection (d)(1) of this section, the former reference to action on an "exemption" is deleted as inconsistent with the requirements for affirmative action, by the State agency, within 30 days after the filing of notices on certain health care projects.

Defined terms: "Certificate of need" § 19-101  
 "Council" § 19-101 "State agency" § 19-101  
 "County" § 1-101