

B. THE COMMISSION HAS NOT MADE THE FINANCIAL DETERMINATION REQUIRED UNDER ITEM 2 OF THIS SUBPARAGRAPH WITHIN 60 DAYS OF THE RECEIPT OF THE RELEVANT FINANCIAL INFORMATION; and

2. The relevant financial information to be submitted by the hospital is defined in regulations adopted by the Commission after consultation with the Health Services Cost Review Commission.

[(6)](8) (7) Paragraph [(5)(vi), (vii), (viii), and (ix)] ~~(7)(VI), (6)(VI), (VII), (VIII), AND (IX)~~ of this subsection may not be construed to permit a facility to offer a new health care service for which a certificate of need is otherwise required.

[(7)](9) (8) Subject to the notice requirements of paragraph [(5)(ii)] ~~(7)(II)~~ (6)(II) of this subsection, a hospital may acquire a freestanding ambulatory surgical facility or office of one or more health care practitioners or a group practice with one or more operating rooms used primarily for the purpose of providing ambulatory surgical services if the facility, office, or group practice:

- (i) Has obtained a certificate of need;
- (ii) Has obtained an exemption from certificate of need requirements; or
- (iii) Did not require a certificate of need in order to provide ambulatory surgical services after June 1, 1995.

[(8)](9) (9) Nothing in this subsection may be construed to permit a hospital to build or expand its ambulatory surgical capacity in any setting owned or controlled by the hospital without obtaining a certificate of need from the Commission if the building or expansion would increase the surgical capacity of the State's health care system.

(1) A certificate of need is not required to close any hospital or part of a hospital as defined in § 19-301 of this title if:

(1) [(i)] ~~Except as provided in paragraph (2) of this subsection, at~~ AT least 45 days before the closing or partial closing of a hospital, including a State hospital, a person proposing to close all or part of the hospital files notice of the proposed closing or partial closing with the Commission; ~~and~~

(ii) (2) Within FOR A HOSPITAL LOCATED IN A COUNTY WITH FEWER THAN THREE HOSPITALS, WITHIN 30 days after receipt of the notice of intent to close, the hospital, in consultation with the Commission, holds a public informational hearing in the county where the hospital is located; ~~or~~

(2) (i) ~~For a hospital located in a county with fewer than three hospitals, at least 45 days before the closing or partial closing of the hospital, a person proposing to close all or part of the hospital files notice of the proposed closing or partial closing with the Commission; and~~

(ii) The Commission finds that the closing:

- 1. Is in the public interest; and