

- (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) 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~~

~~2. Is not inconsistent with:~~

~~A. The State health plan; or~~

~~B. An institution-specific plan developed by the Commission under § 19-119 of this subtitle.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2006.

May 26, 2006

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401