

(C) (1) EXCEPT AS OTHERWISE PROVIDED UNDER THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE DEPARTMENT MAY IMPOSE SANCTIONS UNDER SUBSECTION (B)(2)(I), (II), OR (IV) OF THIS SECTION, THE DEPARTMENT SHALL GIVE THE FREESTANDING MEDICAL FACILITY NOTICE AND THE OPPORTUNITY FOR A HEARING AND JUDICIAL REVIEW UNDER THE ADMINISTRATIVE PROCEDURE ACT, AS PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) BEFORE THE DEPARTMENT MAY IMPOSE A DIRECTED PLAN OF CORRECTION, THE DEPARTMENT SHALL GIVE THE FREESTANDING MEDICAL FACILITY NOTICE AND THE OPPORTUNITY FOR A PROMPT INFORMAL HEARING WITH THE DIRECTOR OF THE OFFICE OF HEALTH CARE QUALITY.

19-3A-06.

The circuit court for a county in which a person is operating a freestanding medical facility in violation of a provision of this subtitle may enjoin further operation of the freestanding medical facility that violates this subtitle.

19-3A-07.

(A) THERE IS A FREESTANDING MEDICAL FACILITY PILOT PROJECT.

(B) THE DEPARTMENT SHALL ISSUE A FREESTANDING MEDICAL FACILITY LICENSE TO ONE FREESTANDING MEDICAL FACILITY PILOT PROJECT IF:

(1) THE FREESTANDING MEDICAL FACILITY PILOT PROJECT IS ESTABLISHED BY, AND WILL OPERATE ADMINISTRATIVELY AS PART OF, AN ACUTE CARE GENERAL HOSPITAL;

(2) THE ACUTE CARE GENERAL HOSPITAL IS PART OF A MERGED ASSET SYSTEM WITH ALL OF ITS EXISTING MARYLAND ACUTE CARE GENERAL HOSPITALS LOCATED IN A SINGLE JURISDICTION;

(3) THERE ARE NOT MORE THAN 5 ACUTE CARE GENERAL HOSPITALS IN THE JURISDICTION;

(4) ONE OR MORE OF THE EXISTING ACUTE CARE GENERAL HOSPITALS IN THE MERGED ASSET SYSTEM HAS AN EMERGENCY DEPARTMENT VOLUME OF 75,000 OR MORE VISITS FOR THE 12 MONTHS ENDING JUNE 30, 2004;

(5) THE FREESTANDING MEDICAL FACILITY PILOT PROJECT WILL OPERATE IN MONTGOMERY COUNTY;

(6) THE CAPITAL EXPENDITURE TO IMPLEMENT THE FREESTANDING MEDICAL FACILITY PILOT PROJECT OTHERWISE MEETS THE REQUIREMENTS OF § 19-120(K)(5)(VIII) OF THIS TITLE; AND

(7) THE FREESTANDING MEDICAL FACILITY PILOT PROJECT MEETS THE REQUIREMENTS UNDER § 19-3A-02(B) OF THIS SUBTITLE.

(C) (1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT SHALL PROVIDE TO THE MARYLAND HEALTH CARE COMMISSION INFORMATION, AS