

[(b) Except as required by federal law, a certificate of need is not required for a health maintenance organization or a health care facility controlled directly or indirectly by a health maintenance organization. However, if the federal Public Health Service Act is repealed in whole or in such parts as it refers to health maintenance organizations, health maintenance organizations are subject to the provisions of Chapter 108 (H.B. 1637) of the Acts of the General Assembly of 1982.]

(B) A HEALTH MAINTENANCE ORGANIZATION OR A HEALTH CARE FACILITY THAT EITHER CONTROLS DIRECTLY OR INDIRECTLY, OR IS CONTROLLED BY, A HEALTH MAINTENANCE ORGANIZATION SHALL HAVE A CERTIFICATE OF NEED BEFORE THE HEALTH MAINTENANCE ORGANIZATION OR HEALTH CARE FACILITY BUILDS, DEVELOPS, OPERATES, PURCHASES, OR PARTICIPATES IN ANY HEALTH-CARE-PROJECT-FOR-WHICH-A-CERTIFICATE-OF-NEED-IS-REQUIRED-UNDER--§--19-115--OF--THE--HEALTH-----GENERAL ARTICLE BUILDING, DEVELOPING, OPERATING, OR ESTABLISHING:

(1) A HOSPITAL, AS DEFINED IN § 19-301 OF THIS TITLE, OR AN AMBULATORY SURGICAL FACILITY OR CENTER, AS DEFINED IN § 19-101(E) OF THIS TITLE; AND

(2) ANY OTHER HEALTH CARE PROJECT FOR WHICH A CERTIFICATE OF NEED IS REQUIRED UNDER § 19-115 OF THIS TITLE IF THAT HEALTH CARE PROJECT IS PLANNED FOR OR USED BY ANY NONSUBSCRIBERS OF THAT HEALTH MAINTENANCE ORGANIZATION.

(C) AN APPLICATION FOR A CERTIFICATE OF NEED BY A HEALTH MAINTENANCE ORGANIZATION OR BY A HEALTH CARE FACILITY THAT EITHER CONTROLS DIRECTLY OR INDIRECTLY, OR IS CONTROLLED BY, A HEALTH MAINTENANCE ORGANIZATION SHALL BE APPROVED IF THE COMMISSION, IN ITS SOLE DISCRETION, FINDS THAT THE APPLICATION:

(1) DOCUMENTS THAT THE PROJECT IS NECESSARY TO MEET THE NEEDS OF ENROLLED MEMBERS AND REASONABLY ANTICIPATED NEW MEMBERS FOR THE SERVICES PROPOSED TO BE PROVIDED BY THE APPLICANT; AND

(2) IS NOT INCONSISTENT WITH THOSE SECTIONS OF THE STATE HEALTH PLAN OR THOSE SECTIONS OF THE INSTITUTION-SPECIFIC PLAN DEVELOPED BY THE COMMISSION;

(3) --WILL-RESULT-IN-THE-DELIVERY-OF-MORE-EFFICIENT-AND-EFFECTIVE-HEALTH-CARE-SERVICES;-AND

(4) --IS--IN-THE-PUBLIC-INTEREST THAT GOVERN HOSPITALS, AS DEFINED IN § 19-301 OF THIS TITLE, AND AMBULATORY SURGICAL FACILITIES OR CENTERS, AS DEFINED IN § 19-101(E) OF THIS TITLE, OR FOR WHICH A CERTIFICATE OF NEED IS REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION.

19-724.