

2.---For--the--purposes--of--this--paragraph  
 subspecialty--includes--ophthalmology.

19-116.

{a}---In--this--section,--"health--maintenance--organization"  
 means--a--health--maintenance--organization--under--Subtitle--7--of--this  
 title.

(b) (1) 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 building, developing, operating, or establishing:

[(1)] (I) 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

{ii}---NOTWITHSTANDING---SUBPARAGRAPH {B}{i}{iii}  
 {B}{i}{i} OF THIS SUBSECTION, A HEALTH--MAINTENANCE--ORGANIZATION  
 OR--HEALTH--CARE--FACILITY--THAT--EITHER--CONTROLS--DIRECTLY--OR  
 INDIRECTLY, OR IS CONTROLLED BY A HEALTH MAINTENANCE ORGANIZATION  
 IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF NEED BEFORE PURCHASING  
 AN EXISTING AMBULATORY SURGICAL FACILITY OR CENTER, AS DEFINED IN  
 §-19-101(E) OF THIS TITLE.

[(2)] (II) 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.

(2) NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, A HEALTH MAINTENANCE ORGANIZATION OR A HEALTH CARE FACILITY THAT EITHER CONTROLS, DIRECTLY OR INDIRECTLY, OR IS CONTROLLED BY A HEALTH MAINTENANCE ORGANIZATION IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF NEED BEFORE PURCHASING AN EXISTING AMBULATORY SURGICAL FACILITY OR CENTER, AS DEFINED IN § 19-101(E) OF THIS TITLE.

{(2)}--{iii}---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 finds that the application: