

(2) A certificate of need issued prior to January 13, 1987 may not be rendered wholly or partially invalid solely because certain conditions have been imposed, if an appeal concerning the certificate of need, challenging the power of the Commission to impose certain conditions on a certificate of need, has not been noted by an aggrieved party before January 13, 1987.

(f) A certificate of need is required before a new health care facility is built, developed, or established.

(g) (1) A certificate of need is required before a health care facility is moved to another site.

(2) This subsection does not apply if:

(I) [the] THE Commission adopts limits for relocations and the proposed relocation does not exceed those limits[.]; OR

(II) THE RELOCATION IS THE RESULT OF A PARTIAL OR COMPLETE REPLACEMENT OF AN EXISTING HOSPITAL OR RELATED INSTITUTION, AS DEFINED IN § 19-301 OF THIS SUBTITLE, AND THE RELOCATION IS TO ANOTHER PART OF THE SITE OR IMMEDIATELY ADJACENT TO THE SITE OF THE EXISTING HOSPITAL OR RELATED INSTITUTION.

(h) (1) A certificate of need is required before the bed capacity of a health care facility is changed.

(2) This subsection does not apply to any increase or decrease in bed capacity if:

(i) During a 2-year period the increase or decrease would not exceed the lesser of 10 percent of the total bed capacity or 10 beds; [or]

(II) ~~PH 1. THE INCREASE OR DECREASE WOULD CHANGE THE BED CAPACITY FOR AN EXISTING MEDICAL SERVICE, AND WOULD NOT INCREASE TOTAL BED CAPACITY; OR ; AND~~

2. A. THE CHANGE WOULD NOT INCREASE TOTAL BED CAPACITY;

B. THE CHANGE IS MAINTAINED FOR AT LEAST A 1-YEAR PERIOD; AND

C. AT LEAST 45 DAYS PRIOR TO THE CHANGE THE HOSPITAL PROVIDES WRITTEN NOTICE TO THE COMMISSION DESCRIBING THE CHANGE AND PROVIDING AN UPDATED INVENTORY OF THE HOSPITAL'S LICENSED BED COMPLEMENT; OR

[(ii)] (III) 1. At least 45 days before increasing or decreasing bed capacity, written notice of intent to change bed capacity is filed with the Commission; and