

(k) Repealed.

(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) At least 45 days before closing, written notice of intent to close is filed with the Commission;

(2) The Commission in its sole discretion finds that the proposed closing is not inconsistent with the State health plan or the institution-specific plan developed by the Commission and is in the public interest; and

(3) Within 45 days of receiving notice the Commission shall notify the health care facility of its findings.

(m) In this section the terms "consolidation" and "merger" include increases and decreases in bed capacity or services among the components of an organization which:

(1) Operates more than one health care facility; or

(2) Operates one or more health care facilities and holds an outstanding certificate of need to construct a health care facility.

(N) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION ~~OR APPLICABLE--REGULATION~~, THE COMMISSION SHALL CONSIDER THE SPECIAL NEEDS AND CIRCUMSTANCES OF A COUNTY WHERE A MEDICAL SERVICE, AS DEFINED IN THIS SECTION, DOES NOT EXIST; AND

(2) THE COMMISSION SHALL CONSIDER AND MAY APPROVE UNDER THIS SUBSECTION A CERTIFICATE OF NEED APPLICATION TO ESTABLISH, BUILD, OPERATE, OR PARTICIPATE IN A HEALTH CARE PROJECT TO PROVIDE A NEW MEDICAL SERVICE IN A COUNTY IF THE COMMISSION, IN ITS SOLE DISCRETION, FINDS THAT:

(I) THE PROPOSED MEDICAL SERVICE DOES NOT EXIST IN THE COUNTY THAT THE PROJECT WOULD BE LOCATED;

(II) THE PROPOSED MEDICAL SERVICE IS NECESSARY TO MEET THE HEALTH CARE NEEDS OF THE RESIDENTS OF THAT COUNTY; AND

(III) THE PROPOSED MEDICAL SERVICE WOULD HAVE A POSITIVE IMPACT ON THE EXISTING HEALTH CARE SYSTEM;

(IV) THE PROPOSED MEDICAL SERVICE WOULD RESULT IN THE DELIVERY OF MORE EFFICIENT AND EFFECTIVE HEALTH CARE SERVICES TO THE RESIDENTS OF THAT COUNTY;