

WILLIAM DONALD SCHAEFER, Governor

organizations or health care facilities that either control, directly or indirectly, or are controlled by health maintenance organizations; altering a certain provision of law so as to exempt health maintenance organizations from certain certificate of need requirements for the purchase of an existing ambulatory surgical facility or center; and correcting a technical omission.

BY repealing and reenacting, with amendments,

Article - Health - General  
~~Section 19-116(e)+2~~ Section 19-116(b) and (c)(2)  
Annotated Code of Maryland  
(1987 Replacement Volume)

BY repealing

Chapter 420 of the Acts of the General Assembly of 1987  
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - General

19-116.

(b) (1) A health maintenance organization or a health care facility that either [controls] 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

[(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 SUBPARAGRAPH (B)(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.