

(2) FOR PURPOSES OF THIS SUBTITLE, THE OFFICE OF ONE OR MORE HEALTH CARE PRACTITIONERS OR A GROUP PRACTICE WITH TWO OPERATING ROOMS MAY BE EXEMPT FROM THE CERTIFICATE OF NEED REQUIREMENTS UNDER THIS SUBTITLE IF THE COMMISSION FINDS, IN ITS SOLE DISCRETION, THAT:

(I) A SECOND OPERATING ROOM IS NECESSARY TO PROMOTE THE EFFICIENCY, SAFETY, AND QUALITY OF THE SURGICAL SERVICES OFFERED; AND

(II) THE OFFICE MEETS THE CRITERIA FOR EXEMPTION FROM THE CERTIFICATE OF NEED REQUIREMENTS AS AN AMBULATORY SURGICAL FACILITY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

[(b)](C) "Certificate of need" means a certification of public need issued by the Commission under this subtitle for a health care project.

[(c)](D) "Commission" means the State Health Resources Planning Commission.

[(d)](E) "Federal Act" means the National Health Planning and Resources Development Act of 1974 (Public Law 93-641), as amended.

[(e)](F) (1) "Health care facility" means:

(i) A hospital, as defined in § 19-301 of this title;

(ii) A related institution, as defined in § 19-301 of this title;

(iii) An ambulatory surgical facility [or center which is any entity or part thereof that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and seeks reimbursement from third party payors as an ambulatory surgical facility or center];

(iv) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

(v) A home health agency, as defined in § 19-401 of this title;

(vi) A hospice, as defined in § 19-901 of this title; and

(vii) Any other health institution, service, or program for which Part I of this subtitle requires a certificate of need.

(2) "Health care facility" does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19-115 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined by Article 70B of the Code, if:

1. The facility is for the exclusive use of the provider's subscribers who have executed continuing care agreements for the purpose of utilizing independent living units or domiciliary care within the continuing care facility;