

[(4)](11) The [full] Commission shall, after determining that the [committee's report is complete] RECOMMENDED DECISION IS COMPLETE, vote to approve, approve with conditions, or deny the application on the basis of the [committee's recommendation and the whole record before the committee] RECOMMENDED DECISION, THE RECORD BEFORE THE STAFF OR THE REVIEWER, AND EXCEPTIONS AND ARGUMENTS, IF ANY, BEFORE THE COMMISSION.

[(5)](12) The decision of the Commission shall be by a majority of the quorum present and voting, except that no project shall be approved without the affirmative vote of at least two consumer members of the Commission.

(e) Where the State health plan identifies a need for additional hospital bed capacity in a region or subregion, in a comparative review of 2 or more applicants for hospital bed expansion projects, a certificate of need shall be granted to 1 or more applicants in that region or subregion that:

(1) Have satisfactorily met all applicable standards;

(2) (i) Have within the preceding 10 years voluntarily delicensed the greater of 10 beds or 10 percent of total licensed bed capacity to the extent of the beds that are voluntarily delicensed; or

(ii) Have been previously granted a certificate of need which was not recertified by the Commission within the preceding 10 years; and

(3) The Commission finds at least comparable to all other applicants.

(f) (1) If any party or interested person requests an evidentiary hearing with respect to a certificate of need application FOR ANY HEALTH CARE FACILITY OTHER THAN AN AMBULATORY CARE SURGICAL FACILITY AND THE COMMISSION, IN ACCORDANCE WITH CRITERIA IT HAS ADOPTED BY REGULATION, CONSIDERS AN EVIDENTIARY HEARING APPROPRIATE DUE TO THE MAGNITUDE OF THE IMPACT THAT THE PROPOSED PROJECT MAY HAVE ON THE HEALTH CARE DELIVERY SYSTEM, the Commission or a committee of the Commission shall hold the hearing in accordance with the contested case procedures of the Administrative Procedure Act.

(2) EXCEPT AS PROVIDED IN THIS SECTION OR IN REGULATIONS ADOPTED BY THE COMMISSION TO IMPLEMENT THE PROVISIONS OF THIS SECTION, THE REVIEW OF AN APPLICATION FOR A CERTIFICATE OF NEED FOR AN AMBULATORY SURGICAL FACILITY IS NOT SUBJECT TO THE CONTESTED CASE PROCEDURES OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(g) (1) An application for a certificate of need shall be acted upon by the Commission no later than ~~150~~ 180 days after the application was docketed.

(2) If an evidentiary hearing is not requested, the Commission's decision on an application shall be made no later than [120] 90 days after the application was docketed.

(h) (1) The applicant or any [person aggrieved by the decision] AGGRIEVED PARTY, AS DEFINED IN § 19-120(A) OF THIS SUBTITLE, may petition the Commission within 15 days for a reconsideration.