

Notwithstanding the provisions of § 19-118 of the Health – General Article, a certificate of need application for a hospital-based subacute care unit submitted in accordance with regulations adopted under this section: (1) shall be reviewed by the staff of the Health Resources and Planning Commission according to the criteria and standards established in the regulations; and (2) is not subject to the evidentiary hearing provisions or the contested case provisions of the Administrative Procedure Act in Title 10 of the State Government Article. An applicant, a competing applicant, and any other person who may be adversely affected by the Health Resource Planning Commission's decision on an application to establish a hospital-based subacute care unit in accordance with this Section may submit written exceptions to the staff's recommendation and present oral argument to the Commission before the Commission renders its decision. The Commission shall act on any application submitted under this section no later than 90 days after the application is docketed. In accordance with § 19-120 of the Health – General Article, aggrieved parties may seek Commission reconsideration or judicial review of a decision.

Notwithstanding the other provisions of this Section, by August 1, 1995, the Health Resources Planning Commission shall act on certificate of need applications for subacute care units or services docketed on or before April 15.

SECTION 6. 8. AND BE IT FURTHER ENACTED, That the Health Resources Planning Commission shall evaluate and, as necessary or appropriate, revise its existing regulations establishing standards for the timely implementation of certificates of need by the Commission in accordance with Title 19, Subtitle 1 of the Health – General Article.

SECTION 7. 9. AND BE IT FURTHER ENACTED, That the changes made by this Act ~~does~~ to Title 19, Subtitle 1 of the Health – General Article do not apply to:

(1) a determination by the Health Resources Planning Commission as to whether a certificate of need is required to build a new ambulatory surgical facility or to expand existing ambulatory surgical capacity in any setting that has requested or received the determination on or before February 13, 1995 and has obligated not less than \$25,000 in reliance on that determination on or before February 13, 1995; or

(2) a person certified by Medicare to receive reimbursement as an ambulatory surgical facility on or before June 30, 1995.

SECTION 8. 10. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to require any existing and operating ambulatory surgical facility to obtain a certificate of need if the facility has previously received a certificate of need or requested and received a determination from the Health Resources Planning Commission that the facility was exempt from the certificate of need requirements, unless the facility seeks to expand its surgical capacity after February 13, 1995.

SECTION 9. 11. AND BE IT FURTHER ENACTED, That the Department of Fiscal Services, in consultation with the Health Services Cost Review Commission, shall:

(1) study the issue of uncompensated care, including methods of financing uncompensated care through freestanding ambulatory care facilities and other health care delivery systems ; and