

1. A SITE WITHIN THE PRIMARY SERVICE AREA OF THE HEALTH CARE FACILITY TO BE RELOCATED IF:

A. THE PROPOSED RELOCATION IS NOT ACROSS COUNTY BOUNDARIES; AND

B. AT LEAST 45 DAYS PRIOR TO THE PROPOSED RELOCATION NOTICE IS FILED WITH THE COMMISSION; OR

2. A SITE OUTSIDE THE PRIMARY SERVICE AREA OF THE HEALTH CARE FACILITY TO BE RELOCATED BUT WITHIN THE PRIMARY SERVICE AREA OF THE MERGED ASSET SYSTEM IF:

A. AT LEAST 45 DAYS PRIOR TO THE PROPOSED RELOCATION NOTICE IS FILED WITH THE COMMISSION; AND

B. THE COMMISSION IN ITS SOLE DISCRETION, AND IN ACCORDANCE WITH THE CRITERIA ADOPTED BY REGULATION, FINDS THAT THE RELOCATION IS IN THE PUBLIC INTEREST, IS NOT INCONSISTENT WITH THE STATE HEALTH PLAN, AND WILL RESULT IN THE MORE EFFICIENT AND EFFECTIVE DELIVERY OF HEALTH CARE SERVICES; OR

3. FOR A LIMITED SERVICE HOSPITAL, A SITE WITHIN THE IMMEDIATE AREA AS DEFINED IN REGULATION BY THE COMMISSION; OR

[(iii)] (IV) The relocation involves moving a portion of a complement of comprehensive care beds previously approved by the Commission after January 1, 1995 for use in a proposed new related institution, as defined in § 19-301 of this title, but unbuilt on October 1, 1998 if:

1. The comprehensive care beds that were originally approved by the Commission in a prior certificate of need review were approved for use in a proposed new related institution to be located in a municipal corporation within Carroll County in which a related institution is not located;

2. The comprehensive care beds being relocated will be used to establish an additional new related institution that is located in another municipal corporation within Carroll County in which a related institution is not located;

3. The comprehensive care beds not being relocated are intended to be used to establish a related institution on the original site; and

4. Both the previously approved comprehensive care beds for use on the original site and the relocated comprehensive care beds for use on the new site will be used as components of single buildings on each site that also offer independent or assisted living residential units.

(3) Notwithstanding any other provision of this subtitle, a certificate of need is not required for a relocation described under paragraph [(2)(iii)] (2) (IV) of this subsection.

(h) (1) A certificate of need is required before the bed capacity of a health care facility is changed.