

(2) This subsection does not apply to any increase or decrease in bed capacity if:

(i) **[During]** FOR A HEALTH CARE FACILITY THAT IS NOT A HOSPITAL, DURING a 2-year period the increase or decrease would not exceed the lesser of 10 percent of the total bed capacity or 10 beds;

(ii) 1. The increase or decrease would change the bed capacity for an existing medical service; and

2. A. The change would not increase total bed capacity;

B. The change is maintained for at least a 1-year period; and

C. At least 45 days prior to the change the hospital provides written notice to the Commission describing the change and providing an updated inventory of the hospital's licensed bed complement; **[or]**

(iii) 1. At least 45 days before increasing or decreasing bed capacity, written notice of intent to change bed capacity is filed with the Commission; **[and]**

2. The Commission in its sole discretion finds that the proposed change:

A. Is pursuant to the consolidation or merger of 2 or more health care facilities, or conversion of a health care facility or part of a facility to a nonhealth-related use;

B. Is not inconsistent with the State health plan or the institution-specific plan developed by the Commission;

C. Will result in the delivery of more efficient and effective health care services; **[and]**

D. Is in the public interest; AND

**[(3)]** 3. Within 45 days of receiving notice, the Commission shall notify the health care facility of its finding; OR

**(IV) THE INCREASE OR DECREASE IN BED CAPACITY IS THE RESULT OF THE ANNUAL LICENSED BED RECALCULATION PROVIDED UNDER § 19-307 OF THIS TITLE.**

**(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR A HOSPITAL LOCATED IN A COUNTY WITH THREE OR MORE HOSPITALS, A CERTIFICATE OF NEED IS NOT REQUIRED BEFORE THE BED CAPACITY IS INCREASED OR DECREASED IF THE CHANGE:**

**(+) (I) OCCURS ON OR AFTER JULY 1, 2000;**

**(+) (II) IS BETWEEN HOSPITALS IN A MERGED ASSET SYSTEM LOCATED WITHIN THE SAME HEALTH SERVICE AREA;**