

(2) NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, A HEALTH MAINTENANCE ORGANIZATION OR A HEALTH CARE FACILITY THAT EITHER CONTROLS, DIRECTLY OR INDIRECTLY, OR IS CONTROLLED BY A HEALTH MAINTENANCE ORGANIZATION IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF NEED BEFORE PURCHASING AN EXISTING AMBULATORY SURGICAL FACILITY OR CENTER, AS DEFINED IN § 19-101(E) OF THIS TITLE.

(C) AN APPLICATION FOR A CERTIFICATE OF NEED BY A HEALTH MAINTENANCE ORGANIZATION OR BY A HEALTH CARE FACILITY THAT EITHER CONTROLS, DIRECTLY OR INDIRECTLY, OR IS CONTROLLED BY, A HEALTH MAINTENANCE ORGANIZATION SHALL BE APPROVED IF THE COMMISSION FINDS THAT THE APPLICATION:

(1) DOCUMENTS THAT THE PROJECT IS NECESSARY TO MEET THE NEEDS OF ENROLLED MEMBERS AND REASONABLY ANTICIPATED NEW MEMBERS FOR THE SERVICES PROPOSED TO BE PROVIDED BY THE APPLICANT; AND

(2) IS NOT INCONSISTENT WITH THOSE SECTIONS OF THE STATE HEALTH PLAN OR THOSE SECTIONS OF THE INSTITUTION-SPECIFIC PLAN THAT GOVERN HOSPITALS, AS DEFINED IN § 19-301 OF THIS TITLE, AND AMBULATORY SURGICAL FACILITIES OR CENTERS, AS DEFINED IN § 19-101(E) OF THIS SUBTITLE, OR HEALTH CARE PROJECTS FOR WHICH A CERTIFICATE OF NEED IS REQUIRED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That a health care facility which was determined by the Health Resources Planning Commission not to require a certificate of need for the establishment of kidney transplantation services or a kidney transplantation program in accordance with the provisions of § 19-101(e)(2) of the Health - General Article on or before April 1, 1992, may not establish or initiate a new service or program for the transplantation of other human organs without obtaining a certificate of need in accordance with the provisions of § 19-115(i) of the Health - General Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act relating to § 19-101(e)(2) of the Health - General Article do not apply to a health care facility which was determined by the Health Resources Planning Commission not to require a certificate of need for the establishment of kidney transplantation services or a kidney transplantation program in accordance with the provisions of § 19-101(e)(2) of the Health - General Article on or before April 1, 1992.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 1992~~ is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved April 7, 1992.