

"Includes"/"including" § 1-101

19-116. INJUNCTION.

THE CIRCUIT COURT FOR THE COUNTY WHERE A HEALTH CARE PROJECT IS BEING DEVELOPED OR OPERATED IN VIOLATION OF PART I OF THIS SUBTITLE MAY ENJOIN FURTHER DEVELOPMENT OR OPERATION.

REVISOR'S NOTE: This section formerly appeared as Article 41, § 59K.

The only changes are in style.

Defined term: "County" § 1-101

19-117. APPEAL OF ADMINISTRATIVE DECISION.

(A) "AGGRIEVED PARTY" DEFINED.

IN THIS SECTION, "AGGRIEVED PARTY" MEANS:

(1) FOR PURPOSES OF AN APPEAL FROM A DECISION OF THE STATE AGENCY ON A CERTIFICATE OF NEED, A PERSON, INCLUDING ANY HEALTH CARE FACILITY, NONPROFIT HEALTH SERVICE PLAN, OR COMMERCIAL INSURANCE COMPANY PROVIDING HEALTH CARE BENEFITS, WHO:

(I) HAS PRESENTED A POSITION ON A HEALTH CARE PROJECT TO THE STATE AGENCY AND TO THE HEALTH SYSTEMS AGENCY BEFORE THE DECISION OF THE STATE AGENCY ON A HEALTH CARE PROJECT;

(II) IS AFFECTED ADVERSELY BY THE DECISION OF THE STATE AGENCY ON THE PROJECT; AND

(III) IS NOT AN AGENCY OF THIS STATE;

(2) A HEALTH SYSTEMS AGENCY, IF:

(I) THE DECISION OF THE STATE AGENCY IS INCONSISTENT WITH THE RECOMMENDATION OF THE HEALTH SYSTEMS AGENCY; AND

(II) THE FEDERAL ACT REQUIRES THAT THE HEALTH SYSTEMS AGENCY HAVE A RIGHT OF APPEAL TO AN ADMINISTRATIVE AGENCY; AND

(3) FOR PURPOSES OF AN APPEAL FROM A DECISION OF THE STATE AGENCY ON A MATTER OTHER THAN A CERTIFICATE OF NEED, A PERSON WHO IS AFFECTED ADVERSELY BY THE DECISION OF THE STATE AGENCY IN A CONTESTED CASE.

(B) DECISION OF STATE AGENCY.