

IN THE MATTER OF	*	
	*	
BALTIMORE / UPPER SHORE CARDIAC	*	BEFORE THE
	*	
SURGERY REVIEW	*	MARYLAND HEALTH
	*	
Anne Arundel Medical Center	*	CARE COMMISSION
Docket No. 15-02-2360	*	
	*	
University of Maryland	*	
Baltimore Washington Medical Center	*	
Docket No. 15-02-2361	*	

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**UNIVERSITY OF MARYLAND BALTIMORE WASHINGTON  
 MEDICAL CENTER’S RESPONSE JOINING IN DIMENSIONS’  
MOTION TO STRIKE AND MOTION *IN LIMINE***

University of Maryland Baltimore Washington Medical Center (“UM BWMC”), by its undersigned counsel and pursuant to COMAR § 10.24.01.10B, submits this response to and joins in the Motion to Strike and Motion *in Limine* of Dimensions Health Corporation *d/b/a* Prince George’s Hospital Center (“Dimensions”). Anne Arundel Medical Center (“AAMC”) has waived its opportunity to take exception to the findings in the Revised Recommended Decision, and should be precluded from presenting any exceptions at the March 23, 2017 hearing in these reviews.

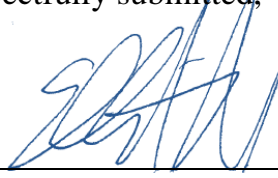
The Revised Recommended Decision finds that Dimensions’ cardiac surgery program at Prince George’s Hospital Center (“PGHC”) qualifies for protection under the impact standard. The Decision states, “[t]he impact standard requires [the Reviewer] to consider whether an existing program, such as PGHC, that is performing over 100

cardiac surgery cases and has an STS rating of two or more stars ‘for two of the three most recent rating cycles *prior to Commission action on an application,*’ will be caused to drop below an annual volume of 100 cardiac surgery cases.” (Revised Recommended Decision, p. 44, emphasis in original.)

AAMC did not timely file exceptions to the Revised Recommended Decision, and instead responded within the time to file exceptions that “AAMC endorses the Recommended Decision.” (AAMC March 10, 2017 Response, p. 1; *see also* COMAR § 10.24.01.09B, Revised Recommended Decision, p. 4, regarding the time to file exceptions.) Yet, in its March 16, 2017 Response to Exceptions, AAMC argued that PGHC is not entitled to protection under the Impact Standard. AAMC’s late exception to the Reviewer’s finding that PGHC is entitled to protection under the standard is not only procedurally improper, but deprived the parties of an opportunity to file a response to its exception.

For the foregoing reasons, and the reasons set forth in Dimensions’ Motion to Strike and Motion *in Limine*, UM BWMC respectfully joins in Dimensions request that (i) the portion of AAMC's Response to Exceptions to Recommended Decision raising the untimely exception, pp. 17-20, be stricken; and (ii) that AAMC be precluded from offering any argument on the issue of whether COMAR § 10.24.17.05(A)(2)(6)(iii) applies to PGHC at the hearing before the Commission.

Respectfully submitted,



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March 22, 2017

## CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March 2017, a copy of UM BWMC's Response to Dimensions Motion to Strike and Motion *in Limine* was sent via email and first-class mail to:

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