

IN THE MATTER OF  
SEASONS RTC, LLC  
Docket No. 17-16-2408

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BEFORE THE  
MARYLAND HEALTH  
CARE COMMISSION

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SEASONS RESIDENTIAL TREATMENT PROGRAM LLC'S RESPONSE TO THE  
SHEPPARD PRATT HEALTH SYSTEM'S INTERESTED PARTY COMMENTS TO THE  
CON APPLICATION PROPOSING THE CONSTRUCTION OF A NEW 72-BED RESIDENTIAL  
TREATMENT CENTER IN PRINCE GEORGE'S COUNTY MARYLAND

Seasons Residential Treatment Program, LLC ("Seasons"), by its undersigned designee, submits these responses addressing the Sheppard Pratt Health System, Inc. ("Sheppard Pratt") comments submitted in opposition to the Certificate of Need Application ("CON Application") and related materials filed by Seasons, proposing to construct a new, 72-bed residential treatment center ("RTC") to be located in Fort Washington, Prince George's County, Maryland. Seasons respectfully requests that the Maryland Health Care Commission disregard Sheppard Pratt's comments for the following reasons.

INTRODUCTION

During the pre-Application hearing with the Maryland Health Care Commission, Seasons was instructed to follow specific regulations related to the proposed RTC.

While we recognize the position/status of Sheppard Pratt as an interested party under COMAR 10.24.01.01B(2) and 10.24.01.08F(1), we will not re-litigate the findings of the CON application previously filed by Seasons.

The CON application referenced in the Interested Party Comments filed on September 4, 2018 (Docket No. 14-16-2357), was withdrawn on April 7, 2017 and as such, should not be considered as part of the Interested Party argument for the current CON application filed on September 26, 2017 (Docket No. 17-16-2408).

## I. RESPONSES TO COMMENTS

The following responses are based on the Seasons RTC CON Application. (Docket No. 14-16-2357)

The following arguments were raised by Sheppard Pratt as the reason why they would be adversely affected by the approval of a CON application by the Maryland Health Care Commission for Seasons Residential Treatment Program.

### A. The same statewide service:

While Seasons agrees, based on the description of the services outlined in the Interested Party document (that) Seasons Residential Treatment Program would serve a similar population of youth and young adults as the programs at Berkeley and Eleanor Mann Residential Treatment Center ("Mann RTC"); and the Jefferson Residential Treatment Center ("Jefferson RTC"), Seasons challenges the assertion that these programs serve the "majority of residents referrals from government agencies, including departments of social services and juvenile services from both Maryland and Washington, D.C. " (Interested Party Comments, page 2) and request additional information to support this claim.

Seasons also challenges whether Mann RTC and Jefferson RTC admit adults and adolescents who "generally require treatment for more severe and chronic disorders, emotional challenges and trauma-related illnesses." (Seasons CON Application, page 33) As this population is consistently identified by the MD Governor's Office for Children as a tough to place population.

Further, both of these programs are located more than 50 miles from Prince George's County. There are no licensed RTC's/Certified PRTF's located in this part of Maryland equipped to serve the needs of the type of residents Seasons proposes to serve.

B. Bring Back Beds from Good Shepherd RTC in Halethorpe, MD

Sheppard Pratt states (that) Seasons asserts it will “bring back” beds from the de-licensing of Good Sheppard’s RTC beds. (Interested Party Comments, page 3) The Interested Party Comments cite/source CON Application, page 62.

In this reference, Seasons does not propose to “bring back” beds from Good Shepherd; instead, the CON application qualifies the number of de-licensed beds at the time of the CON application at 210 beds and says, if the project is approved, the proposed 72 beds would “bring back” 62.6 percent (72 beds / 115 beds) of the Good Sheppard beds to the market and 32.9 percent (72 beds / 219 beds) of the total de-licensed beds as stated by Renee Webster, the Assistant Director for Hospitals for the Maryland Office of Health Care Quality. The de-licensed bed totals were current at the time of the CON application filing.

Seasons was not aware of the Memorandum of Understanding by and between Sheppard Pratt and Good Shepherd Services for the purchase of the Good Shepherd RTC bed capacity as this information was not publicly available at the time of the CON application filing.

C. COMAR 10.24.07G(4)(a) Meeting Special Needs

As identified in the CON application, page 55, Seasons proposes to serve the needs of individuals who are meet the definition of “Meeting Special Needs” as identified in COMAR 10.24.07G(4)(a), this population includes:

- ) arsonists
- ) assaultive
- ) highly aggressive emotionally disturbed
- ) dually diagnosed (mentally ill, addicted, OR, developmentally disabled)
- ) physically disabled

Seasons also proposes to serve adolescent females who are victims of sexual abuse or sex trafficking.

As identified in the CON application, page 97, the Seasons proposes to admit adolescents and young adults based on the total profile and not simply based on a single characteristic such as an IQ score. However, most residents will have an IQ of 70 or above.

Seasons defines intellectual disability based on the American Psychiatric Association definition included in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) which states:

"...intellectual disability is considered to be approximately two standard deviations or more below the population, which equals an IQ score of about 70 or below."

While Seasons will admit dually diagnosed adolescents and young adults, those with co-occurring substance abuse and mental illness; Seasons will not serve youth with profound developmental disability.

As identified in the CON application, page 142, Seasons defines the adolescents and young adults we will admit identified under COMAR 10.24.07G(4)(a).

D. Support from Placing Agencies

While Seasons was disappointed in our ability to receive specific letters of referral from the placing agencies in Seasons' service area, Seasons was told (that) state and local placing agencies cannot confirm potential placements for an "unlicensed, proposed facility." During Seasons' research, Seasons could not find one CON application for a new RTC facility where the applicant was required to submit specific letters of referral as part of the CON application process.

In lieu of specific letters of referral from all of the Maryland placing agencies, Seasons was able to secure letters from Maryland Department of Human Services (Exhibit 35) and stakeholders who work in the community and who have a firsthand account for the need for additional resources (Exhibits 31 and 35).

The Maryland stakeholders who agreed to contribute to our CON application, include:

- ) Prince George's County Department of Social Services
- ) Prince George's County Government, Office of the County Executive
- ) Prince George's County Government, Department of Family Services
- ) Office of the Public Defender, Baltimore County

Public safety agencies who agreed to contribute to our CON application, include:

- ) Maryland Fraternal Order of Police;
- ) Prince George's County Police Department (See Exhibit 31 and 35):

Seasons also created a survey to assess "current placement needs for RTC Level of Care." The survey was disseminated to every Maryland Core Service Agency within 50 miles of the proposed site (Exhibit 15). The purpose of the survey was to allow the grass roots agencies to provide information about perceived service gaps for those identified as having "Special Clinical Needs" identified in COMAR 10.24.07G(3)(c).

The CON application also includes a letter of support and Determination of Need from the DC Department of Behavioral Health (Exhibit 16). The DC Department of Behavioral Health funds all District of Columbia youth placed in PRTF level of care. Contrary to the Interested Party Comments, the letter of support from the DC Department of Behavioral Health is specific in the types of youth placed in RTC's and PRTF's and there are no placement resources in the District of Columbia for the type of youth Seasons propose to serve.

E. Staffing and Unit Specifications

Contrary to the information provided in the Interested Party Comments, Seasons does not propose housing or programming, "sex victims and offenders, both the developmentally and intellectually disabled and highly aggressive youth with high recidivism rates," in the same units without adequate staffing. Seasons will not admit youth or young adults diagnosed as intellectually or developmentally disabled. Seasons admission criteria states a full scale IQ of 70 or above, however, each admission decision will be based on the individual assessment and all available clinical information at the time of intake.

Seasons CON application provides detailed information regarding staffing, security measures, and physical plant design and is consistent with the requirements of current Maryland RTC's.

F. Seasons Failed to Address Required State Health Plan Standards Applicable to Special Hospital-Psychiatric Facilities

In the CON application, Seasons proposes to operate as a licensed RTC and, if approved, will subsequently petition to certify as a Psychiatric Residential Treatment Facility, in accordance with federal standards (Exhibit 4). The Maryland Health Care Commission confirmed appropriate State Health Plan Standards during pre-application hearing on July 6, 2017 at the office of the Maryland Health Care Commission.

G. Seasons Failed to meet its burden by demonstrating need for its facility or programming in accordance with COMAR 10.24.01.08G(3)(b) and the core principles outlined in COMAR 10.24.07G(1)(a)-(c).

Seasons disagrees with the Interested Party Comments (that) the argument is unmet in the CON application. Sheppard Pratt seems to be re-litigating the CON application previously submitted and withdrawn by Seasons.

H. Hardware and Staff Secure

Seasons will meet the definition of both hardware and staff-secure based on Maryland standards. The proposed construction design limits adolescent and young adult movement. All residents will access the outdoor recreational area through the contained courtyard and all doors and access points are secured with controlled locking mechanisms. The population Seasons proposes to serve and the staffing ratios outlined in the proposal and proforma are consistent with the standards outlined in COMAR 10.24.07G(3)(i).

Further, the proposed program is therapeutic in its approach to care and will not “compete” with the two State-operated Level III “hardware secure” facilities, Victor Cullen Center and J. DeWeese Center. These facilities are classified as detention facilities for youth committed by the Department of Juvenile Services.

I. Commercial Insurance and Tricare

Strategic Behavioral Health, the owner of Seasons, operates RTC's in three (3) states and is currently paneled with a broad range of commercial providers including Cigna, Aetna, Blue Cross and Blue Shield, etc. Seasons commercial payers average 22% of residential revenue for all programs and the conservative estimate of 8% of gross residential revenue is based on more than 10 years of experience with commercial payers.

J. Seasons failed to demonstrate that the proposed project would be viable under COMAR 10.21.01.08G(3)(d).

The CON application demonstrates viability absent the assumptions made by the Interested Party Comments regarding population served, programming, staffing, and physical plant constraints.

CONCLUSION

For the reasons set forth above, Seasons respectfully asks that Sheppard Pratt's Interested Party Comments in opposition to the construction of a new, 72-bed RTC in Fort Washington be disregarded.

Respectfully submitted,



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Consultant for Seasons Residential Treatment Program, LLC

September 19, 2018

I hereby declare and affirm under the penalties of perjury that the facts stated in Seasons Residential Treatment Program's Response to Sheppard Pratt Health System's Interested Party Comments on the Seasons Residential Treatment Program CON Application Proposing the Construction of a New 72-Bed Residential Treatment Center in Prince George's County, Maryland are true and correct to the best of my knowledge, information, and belief.



September 19, 2018

Date

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