

MHCC REGULATORY GUIDANCE (March 1, 2023)

Hospital Emergency Certificates of Need

On April 21, 2022, the Maryland Health Care Commission (MHCC or Commission) extended the validity of 21 Emergency Certificates of Need (E-CONs), granted between March 2020 and January 2021, for an additional year ending on April 30, 2023. These E-CONs were issued under COMAR 10.24.01.20 to quickly expand Maryland's hospital bed capacity in response to the COVID-19 pandemic emergency. The E-CONs allowed additions to a hospital's bed inventory and the establishment of alternative care site hospitals without the review and approval process normally required for such changes. They are listed at:

https://mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_con/hcfs_con_emergency.aspx

Retaining E-CON Capacity

If a hospital with a valid E-CON does not intend to close the bed capacity approved in its E-CON by the April 30, 2023 termination date, it must notify MHCC of its intent to file a formal CON application (or request other action by MHCC to allow continued operation of the bed capacity approved in its E-CON) on or before March 30, 2023.

Hospitals that have provided this notice on a timely basis may file a formal CON application in accordance with a project review Schedule for Certificate of Need Review which will be published in the *Maryland Register* and posted on the MHCC web site prior to March 30, 2023. This schedule will require filing of the formal CON application by Friday, June 2, 2023. Authorization for continued operation of the bed capacity approved in a hospital's E-CON will be automatically extended beyond April 30, 2023 for any hospital that has provided, on or before March 30, 2023, the above-referenced notification of an intent to file a formal CON application. Authorization for continued operation of the bed capacity approved in a hospital's E-CON will be automatically extended beyond June 2, 2023 for any hospital that has filed a CON application on June 2, 2023 and this extended authorization to operate will remain in place for the duration of the review of the CON application. The E-CONs of hospitals that provide timely notice of an intent to file a formal CON application but do not file a CON application on June 2, 2023 will terminate on June 2, 2023.

Questions concerning this guidance should be directed to: Wynnee E. Hawk, Chief, Certificate of Need, (410)764-5982. Ms. Hawk may also be contacted at wynnee.hawk1@maryland.gov. Hospitals wishing to schedule a pre-CON application conference with MHCC staff prior to the filing of a formal CON application should contact Ms. Hawk for the scheduling of such a conference.

This guidance supersedes and replaces the previous guidance on hospital E-CONs dated April 29, 2022.