




**TO:** Ella R. Aiken, Esquire, Counsel for Pyramid Healthcare, Inc.  
Marta D. Harting, Esquire, Counsel for Luminis Health Pathways, Inc.

**FROM:** Mark T. Jensen, Commissioner/Reviewer 

**RE:** Exceptions Filed by Applicant  
Pyramid Healthcare, Inc.  
Docket No. 22-16-2452

**DATE:** October 7, 2022

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I have considered the exceptions filed by the applicant, Pyramid Healthcare, Inc. (Pyramid). Pyramid excepts to the third condition I recommended be attached to approval of its certificate of need (CON) application. This condition would require Pyramid to notify the Maryland Health Care Commission (Commission) and cease operations should its accreditation or licensure be revoked or suspended.

The State Health Plan (SHP) chapter on alcoholism and drug abuse intermediate care facility (ICF) treatment services, COMAR 10.24.14, requires an ICF to obtain accreditation from an appropriate entity before beginning operation and maintain its accreditation “as a condition of continuing authority to operate an ICF for substance abuse treatment in Maryland.” COMAR 10.24.14.05H(1). While this language has long appeared in the SHP, Pyramid is correct that it has never formally appeared as a condition on a CON. However, Commission staff have indicated that they intend to recommend a condition related to licensure and accreditation on all future ICF CONs that are issued. This condition therefore reflects a change in Commission policy, not a criticism of the quality of Pyramid’s programs.

After consultation with the Behavioral Health Administration (BHA), I recommend that the condition be slightly revised. I recognize that there may be a variety of reasons why an ICF’s accreditation might be suspended or revoked unrelated to the quality of its services, such as a change in accreditation organization or delinquent payment. I therefore recommend the following revised condition:

Pyramid shall notify the Commission and the Behavioral Health Administration, in writing, within fifteen days after it receives notice that its accreditation has been revoked or suspended or should it lose its State license. If its accreditation has been revoked or suspended for reasons related to health or safety or it loses its State license, Pyramid shall cease operation until the Behavioral Health Administration notifies the Commission that the deficiencies have been corrected.

This condition aligns with BHA policy to immediately revoke licensure should an ICF's accreditation be revoked or suspended due to health and safety concerns. BHA regulations require ICFs to "comply with the requirements and meet the standards of the accreditation organization by which it is accredited." COMAR 10.63.02.03B. The Commission's counsel reviewed this condition with BHA's counsel and BHA does not object to the imposition of this condition on ICF CONs. This condition does not usurp BHA's authority but merely provides the Commission with a mechanism to consider the applicant's adherence to this condition when reviewing any future CON application filed by the applicant. COMAR 10.24.01.08G(3)(e).

The applicant and interested party may submit written comments in response to this revised condition. Any written comments must be received by **4:00 pm on Thursday, October 13, 2022.**

cc: Jonathan Wolf, President, Pyramid Healthcare  
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