

GALLAGHER

GALLAGHER EVELIUS & JONES
ATTORNEYS AT LAW

December 17, 2020

VIA EMAIL & U.S. MAIL

Mr. Ben Steffen
Executive Director
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, Maryland 21215

Ruby Potter
Health Facilities Coordination Officer
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, Maryland 21215

**Re: Emergency Certificate of Need Application – UM Capital Region
Health – Addition of Ten Behavioral Health Beds at Remote Location
of UM Prince George’s Hospital Center**

Dear Mr. Steffen and Ms. Potter:

On behalf of Dimensions Health Corporation d/b/a University of Maryland Capital Region Health (“UM CRH”), a not-for-profit health system owned by the University of Maryland Health System (“UMMS”), and pursuant to COMAR 10.24.01.20, we write to seek an Emergency Certificate of Need (“CON”) to add ten behavioral health beds to the temporary remote location of University of Maryland Prince George’s Hospital Center (“UM PGHC”) at UM Laurel Medical Center, 7400 Van Dusen Road, Laurel, Maryland. Prior to the pandemic, this location was an outpatient provider-based department of UM PGHC operating as a freestanding medical facility (“FMF”).¹ On March 22, 2020, the Maryland Health Care Commission granted an emergency CON to establish a temporary remote location of UM PGHC at UM Laurel Medical Center with 135 MSGA beds.

¹ Upon the grant by the Commission of an exemption from CON review, the former UM Laurel Regional Hospital (“UM LRH”) converted to an FMF known as University of Maryland Laurel Medical Center, effective January 1, 2019. The FMF currently operates on the first and second floor of the former hospital building, and will move to a new building on the campus in late 2021 or 2022. The inpatient remote location of UM PGHC operates on the third, fourth, and fifth floors of the building. The FMF includes the following services: emergency care, observation services, diagnostic imaging services, behavioral health outpatient services, two sterile operating rooms, two non-sterile procedure rooms, a laboratory, a pharmacy, and other ancillary services. These services are available to patients of the remote location of UM PGHC.

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As you know, due to a world-wide outbreak of a coronavirus known as SARS-CoV-2 (“COVID-19”), the President of the United States declared a national state of emergency, the Secretary of the United States Department of Health and Human Services declared a public health emergency, and on March 5, 2020, the Governor of the State of Maryland, Lawrence J. Hogan, Jr., declared a state of emergency and catastrophic health emergency. Additionally, on March 16, 2020, the Governor issued an Executive Order directing the Maryland Department of Health to work with health care facilities and providers to reopen closed hospital facilities across the state and to take other measures necessary to immediately increase statewide hospital capacity. COVID-19 infections are currently surging again, presenting immediate hazard to the health of patients statewide, and particularly in Prince George’s County, which currently has the greatest number of COVID-19 confirmed cases. This requires immediate action pursuant to your authority under COMAR 10.24.01.20B and consistent with Governor Hogan’s Executive Order to increase inpatient hospital capacity to accommodate potential surge capacities related to COVID-19.

UM CRH hereby applies for an Emergency CON for the purpose of adding ten behavioral health beds to the temporary remote location of UM PGHC at UM Laurel Medical Center, which is currently licensed to operate 135 MSGA beds. If approved, UM CRH would operate the ten behavioral health beds for COVID-19 positive patients only for so long as necessary, and authorized, to address the need for inpatient hospital services as a result of the pandemic. Through recent email communication with David Marcozzi, MD, COVID-19 Incident Commander for UMMS, Secretary Dennis Shrader of the Maryland Department of Health has expressed support and encouragement to provide the proposed behavioral health capacity at UM Laurel Medical Center.

The proposed ten-bed unit would be located on Unit 4A, as shown on the floor plan attached as **Exhibit 1**. This space is well-suited for these beds and related services as it was used for behavioral health services prior to the conversion of UM LRH to an FMF.

The cost of the project will not exceed the hospital capital threshold requiring a CON from the Maryland Health Care Commission under MARYLAND CODE, HEALTH-GENERAL § 19-120(a)(4). The total project cost, including facilities work and purchase of equipment, is estimated to be approximately \$500,000, and UM CRH intends to use available cash to fund the project. If the proposed project is approved, UM CRH will proceed expeditiously with preparations to commence inpatient behavioral health services.

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UM CRH also seeks a waiver from the Executive Director or designee pursuant to COMAR 10.24.01.10A(2) such that: (1) the requirement under COMAR 10.24.01.20C for the Emergency CON applicant to file a formal CON application be suspended until at least thirty (30) days after the declared state of emergency of March 5, 2020 is terminated; and (2) that any Emergency CON granted pursuant to this Emergency CON application not expire until thirty (30) days after the declared state of emergency of March 5, 2020 is terminated or 165 days after its issuance, whichever is later.

We respectfully request you to act on this request as soon as possible so that UM CRH can begin work on this critically important project. Please let us know if you need any additional information regarding the requested Emergency CON Application.

Sincerely,



Thomas C. Dame



James C. Buck



Mallory Regenbogen

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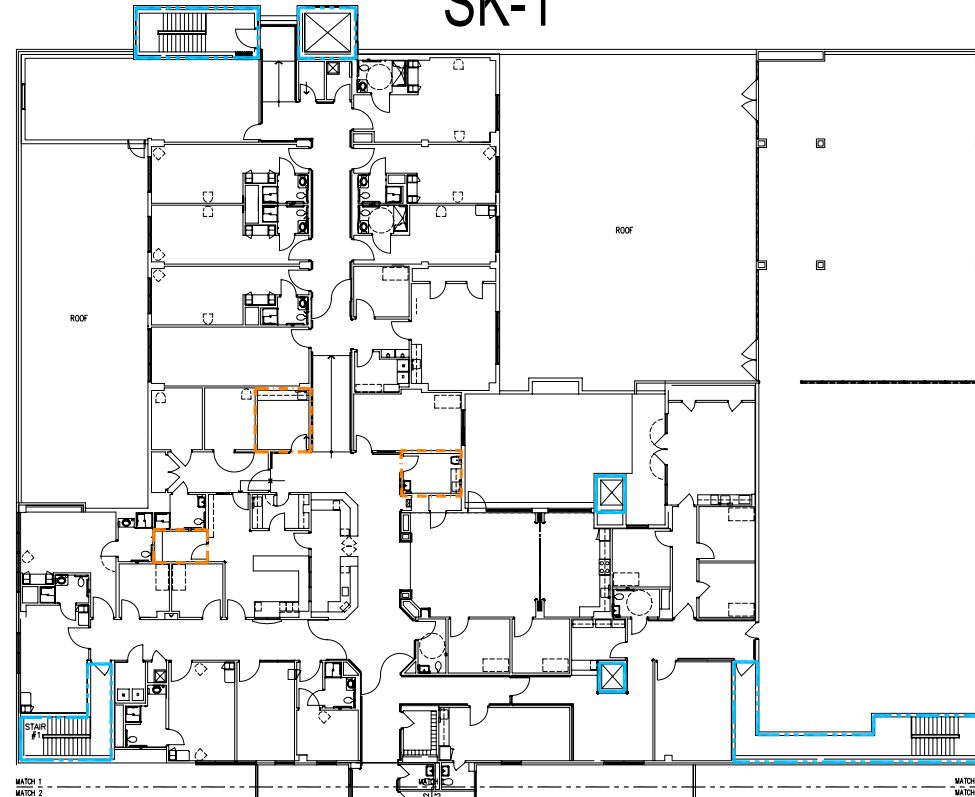
cc: via email

Dennis R. Schrader, Secretary, Maryland Department of Health
Andrew N. Pollak, M.D. Chairman, Maryland Health Care Commission
Randolph S. Sergent, Esq., Vice Chairman, Maryland Health Care Commission
Katie Wunderlich, Executive Director, Maryland Health Services Cost Review Commission
Patricia T. (Tricia) Nay, M.D. Director, Office of Health Care Quality
Renee Webster, Assistant Director for Hospitals, Laboratories and Patient Safety, OHCQ
Paul Parker, Director, Center for Health Care Facilities Planning & Development
Kevin McDonald, Chief, Certificate of Need
Suellen Wideman, Esq., Assistant Attorney General
Ernest L. Carter, M.D., Ph.D. Prince George's County Health Officer
Mohan Suntha, MD, President and CEO, UMMS
Aaron Rabinowitz, Esq., General Counsel, UMMS
Sandra H. Benzer, Esq., General Counsel, UM Capital Region Health
Kristin Jones-Bryce, Chief of Staff and Senior VP, External Affairs, UMMS
Donna Jacobs, Senior VP, Government, Regulatory Affairs & Community Health, UMMS
Joseph L. Wright, MD, MPH, FAAP, Interim President & CEO, UM Capital Region Health
Jay Mittal, Vice President, UM Capital Region Health

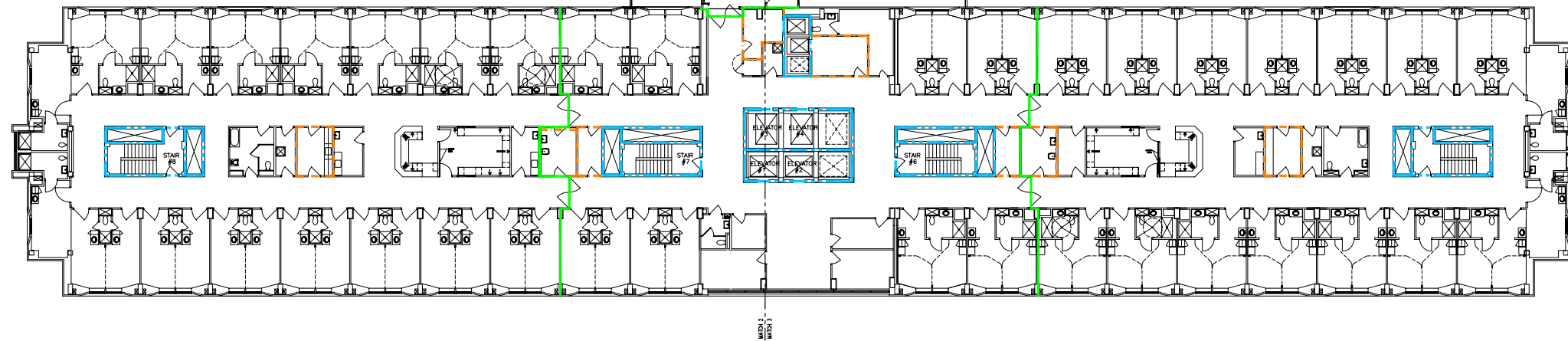
EXHIBIT 1

SK-1





- GENERAL NOTES:**
1. BUILDING IS FULLY SPRINKLER PROTECTED.
 2. ENTIRE FLOOR EVALUATED BASED ON CHAPTER 19 OF THE LIFE SAFETY CODE FOR EXISTING HEALTH CARE.
 3. EXIT ACCESS CORRIDOR WALLS THAT ARE "SMOKE RESISTING" PARTITIONS ARE NOT SHOWN FOR CLARITY.

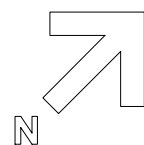



SK-2

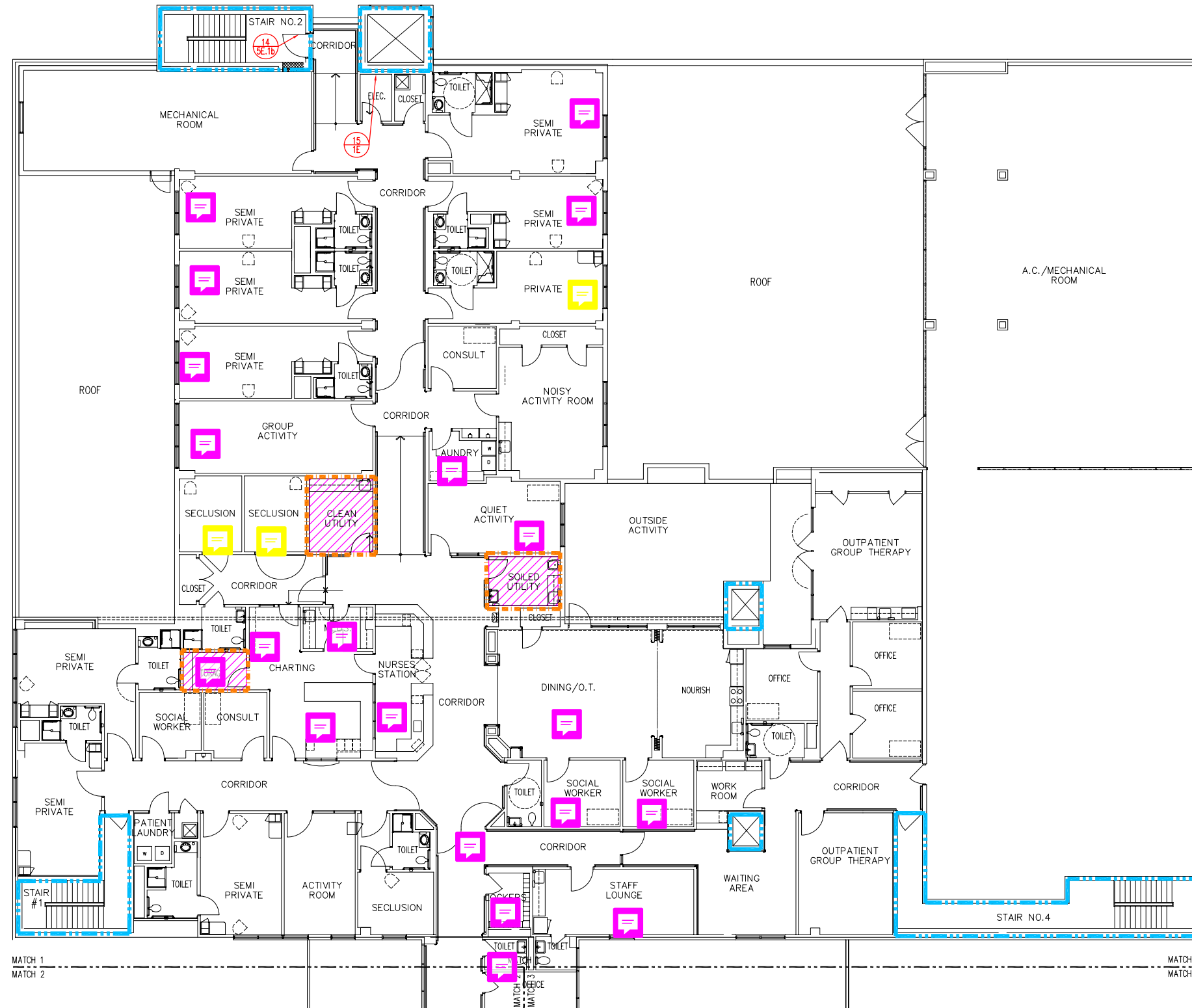


SK-3

RATED WALL LEGEND	
	1-HR. FIRE RATED WALL
	2-HR. FIRE RATED WALL
	SMOKE BARRIER
	SMOKE PARTITION



FLOOR FOURTH FLOOR		PLAN KEY PLAN		DRAWN BY M.W.
 DIMENSIONS HEALTHCARE SYSTEMS LAUREL REGIONAL HOSPITAL LAUREL, MARYLAND		377 E. BUTTERFIELD RD., STE. 900 LOMBARD, IL 60148 www.otginc.com		CHECKED BY B.S.
				8005 HARFORD RD., BALTIMORE, MD 21234-5701 DATE: Apr 04, 2008 - 4:24:29 PM www.eblengineers.com

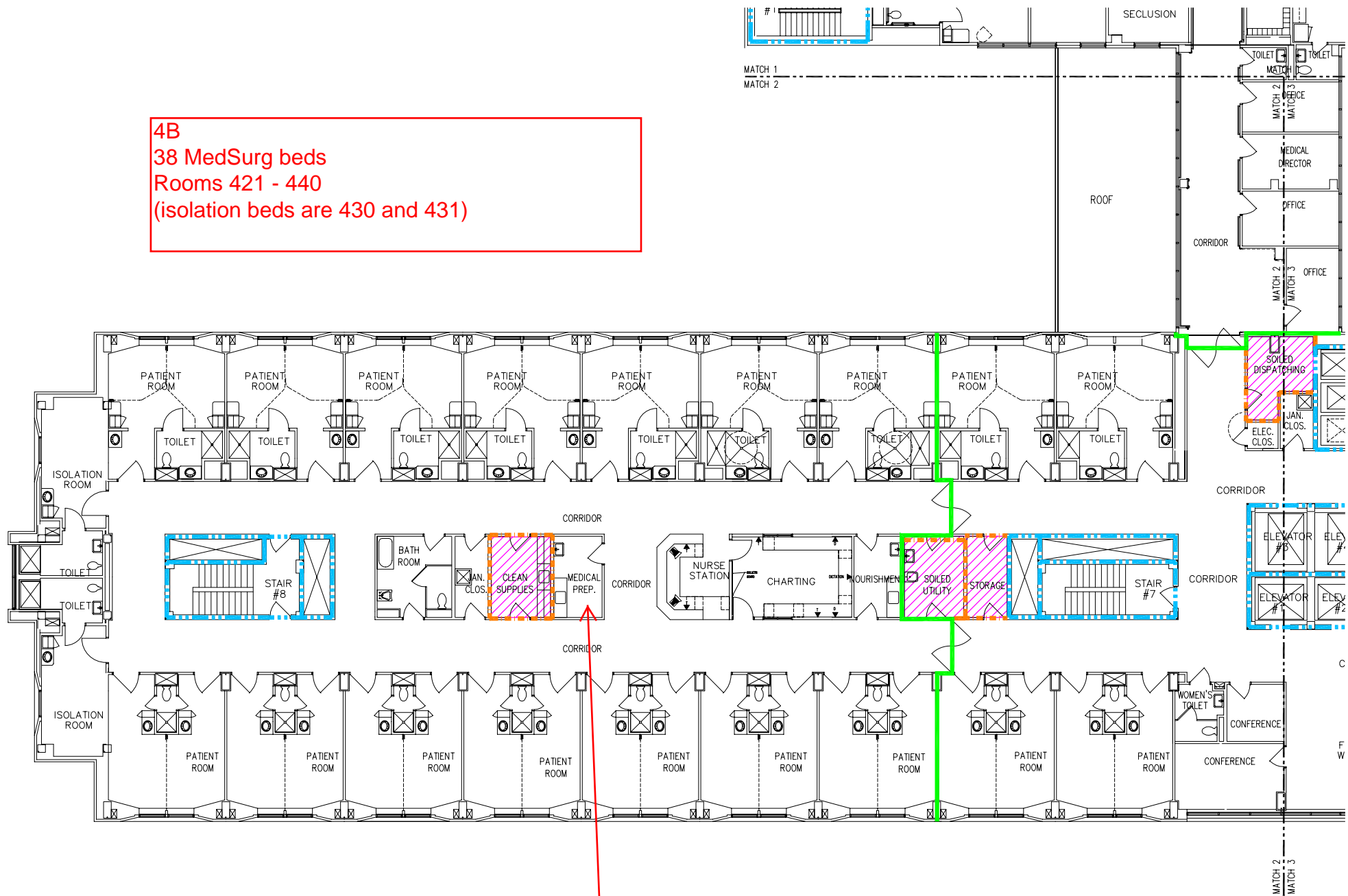


LIFE SAFETY LEGEND		DEFICIENCY ATTRIBUTE ID# (see reports) SOC#
	1-HR. FIRE RATED WALL	
	2-HR. FIRE RATED WALL	
	SMOKE BARRIER	
	SMOKE PARTITION	
	SUITE BOUNDARY	
	HAZARDOUS ROOM	



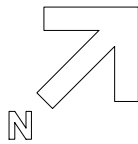
FLOOR FOURTH FLOOR	PLAN LIFE SAFETY PLAN	DRAWN BY M.W.
DIMENSIONS HEALTHCARE SYSTEMS LAUREL REGIONAL HOSPITAL LAUREL, MARYLAND ADVANCED TECHNOLOGIES GROUP, INC. 377 E. BUTTERFIELD RD., STE. 900 LOMBARD, IL 60148 www.atginc.com		CHECKED BY B.S.
EBL FIRE ENGINEERING 8005 HARFORD RD., BALTIMORE, MD 21234-5701 www.eblengineers.com		SHEET SK-1 OF 3
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4B
 38 MedSurg beds
 Rooms 421 - 440
 (isolation beds are 430 and 431)

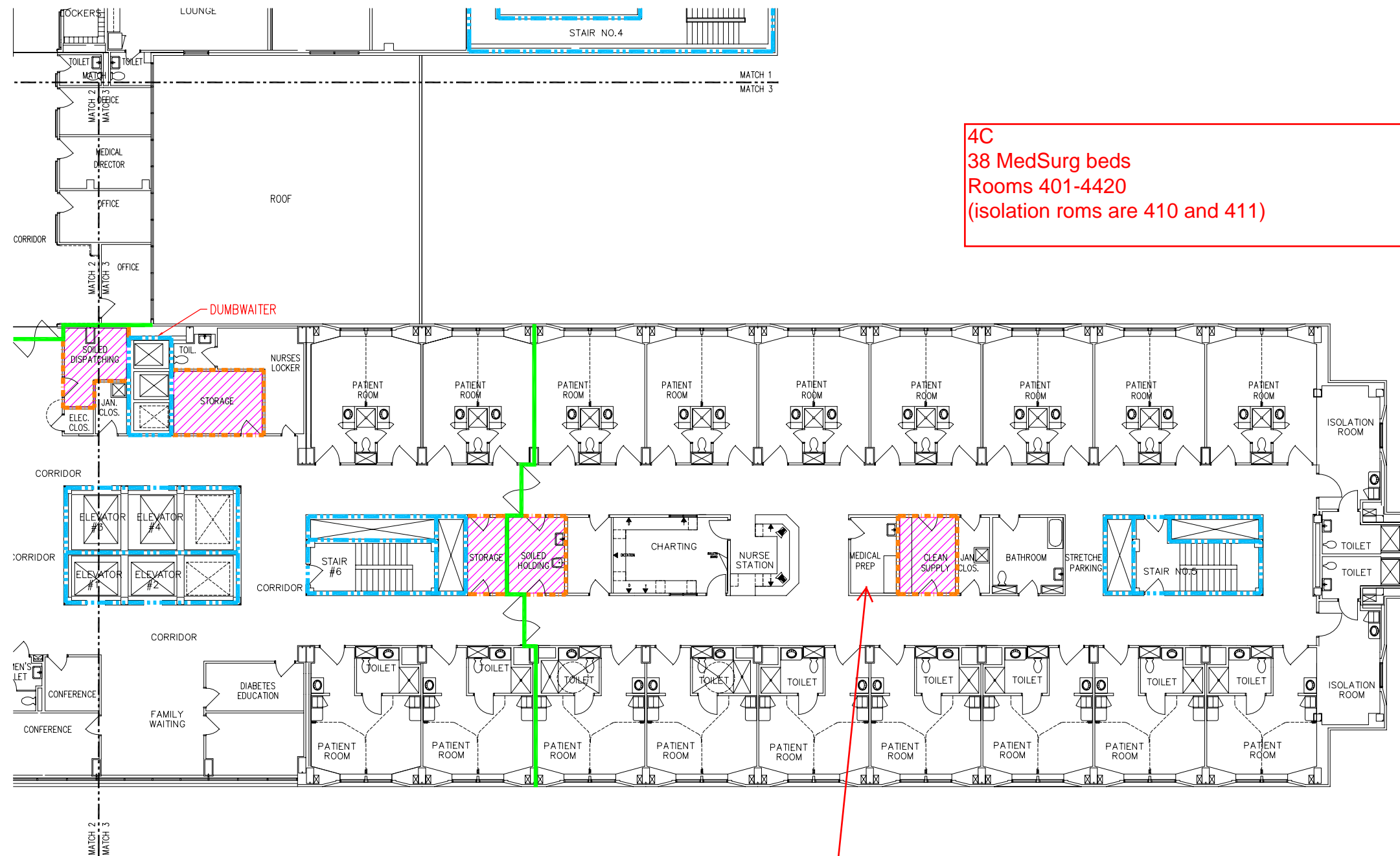


MEDICATION ROOM

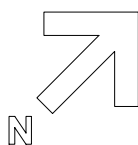
LIFE SAFETY LEGEND		DEFICIENCY ATTRIBUTE ID# (see reports)
	1-HR. FIRE RATED WALL	
	2-HR. FIRE RATED WALL	
	SMOKE BARRIER	
	SMOKE PARTITION	
	SUITE BOUNDARY	
	HAZARDOUS ROOM	



FLOOR FOURTH FLOOR	PLAN LIFE SAFETY PLAN	DRAWN BY M.W.
DIMENSIONS HEALTHCARE SYSTEMS LAUREL REGIONAL HOSPITAL LAUREL, MARYLAND ADVANCED TECHNOLOGIES GROUP, INC. 377 E. BUTTERFIELD RD., STE. 900 LOMBARD, IL 60148 www.atginc.com		CHECKED BY B.S.
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LIFE SAFETY LEGEND		DEFICIENCY ATTRIBUTE ID# (see reports) SOC#
	1-HR. FIRE RATED WALL	
	2-HR. FIRE RATED WALL	
	SMOKE BARRIER	
	SMOKE PARTITION	
	SUITE BOUNDARY	
	HAZARDOUS ROOM	



FLOOR FOURTH FLOOR	PLAN LIFE SAFETY PLAN	DRAWN BY M.W.
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