

# BAKER DONELSON

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April 2, 2020

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

**Re: Adventist HealthCare White Oak Medical Center:  
Request for Emergency Certificate of Need: White Oak Campus**

Dear Mr. Steffen:

I am writing on behalf of Adventist HealthCare, Inc. d/b/a Adventist HealthCare White Oak Medical Center (“WOMC”), pursuant to the Maryland Health Care Commission (“Commission”) regulations at COMAR 10.24.01.20, to request an emergency certificate of need (“ECON”) pertaining to its White Oak Campus (“WOMC/WOC”). This request is further prompted by the proactive steps initiated by Governor Hogan, Secretary Neal, the Commission and others to respond to COVID 19, pursuant to the state of emergency and catastrophic health emergency.

Specifically, we are requesting an ECON to increase the WOMC acute hospital licensed beds up to an additional 59 acute inpatient hospital beds, all of which would be put into service at WOMC/WOC (the “Additional WOMC/WOC Beds”)<sup>1</sup>. The Additional WOMC/WOC Beds would be acute hospital beds, equipped to serve but not limited to, patients with COVID 19 and who need acute hospital services.

The 59 acute hospital beds will be located in existing space in the hospital as follows:

- (a) 12 beds to be located in existing space proximate to the Emergency Department, currently identified as a clinical decision unit.

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<sup>1</sup> WOMC is evaluating options for placing additional acute hospital beds into service should the need arise, as would be included in an updated ECON request.

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- (b) 16 beds to be located in space currently used as a Post-Anesthesia Care Unit.
- (c) 8 beds to be located in a current observation unit.
- (d) 23 beds to be located in existing, nonclinical space allocated among floors 2, 3, 4, 5, 6 and 7.

These spaces can readily be converted to use for acute hospital beds as described above. The Commission's regulation limits an ECON to a capital budget that does not exceed the Commission's statutory Hospital capital threshold under Health—General Article, Section 19-120(a)(4), otherwise triggering a certificate of need requirement. WOMC represents that there is no capital cost in excess of the Hospital capital expenditure threshold.

We understand, based on guidance you have issued on the Commission's behalf that the requirement under COMAR 10.24.01.20C for the WOMC to file a certificate of need application is suspended until at least thirty (30) days after the declared state of emergency of March 5, 2020 is terminated and that any ECON does 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 request issuance of this ECON approval because it would put 12 acute hospital beds into service at WOMC/WOC as soon as possible.

Sincerely,



Howard L. Sollins

cc: Robert R. Neall, Secretary, Maryland Department of Health  
Dennis R. Schrader, Deputy Secretary for Health Care Financing & Chief Operating Officer  
Andrew N. Pollak, M.D. 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

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Travis A. Gayles, MD, PhD, Montgomery County Health Officer

Ruby Potter, Health Facilities Coordination Office

Terry Forde, President and CEO, Adventist HealthCare

John Sackett, Executive VP and COO, Adventist HealthCare

Anthony Stahl, President, WOMC

Brent Reitz, Administrator WOMC/TP and President Post-Acute Services

Robert Jepson, Vice President, WOMC