

BAKER DONELSON

100 LIGHT STREET · BALTIMORE, MARYLAND 21202 · 410.685.1120 · bakerdonelson.com

HOWARD L. SOLLINS, SHAREHOLDER
Direct Dial: 410-862-1101
Direct Fax: 443-263-7569
E-Mail Address: hsollins@bakerdonelson.com

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: Takoma Park Location**

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 Takoma Park location (“WOMC/TP”). Specifically, we are requesting an ECON to increase the WOMC acute hospital licensed beds up to an additional 63 beds specifically at Takoma Park, all of which would be put into service in at WOMC/TP (the “Additional WOMC/TP Beds”). The Additional WOMC/TP Beds would be acute hospital beds for patients who need acute hospital services given the surge in COVID-19 patients expected at WOMC.

This request is 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. In particular, 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, in furtherance of the Governor’s March 5, 2020 Proclamation declaring a state of emergency and catastrophic health emergency.

WOMC/TP is, already, licensed as part of WOMC and is actively providing outpatient hospital services under its single license and certification. We understand the Office of Health Care Quality is prepared to amend or waive existing regulations so as to

enable WOMC/TP to place the additional WOMC/TP Beds into service under the existing license.

The Additional WOMC/TP beds will be placed into service on the following units¹:

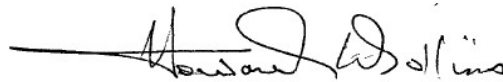
- WOMC/TP hosts a 42-bed inpatient rehabilitation facility licensed under Adventist Rehabilitation Hospital of Maryland, Inc. d/b/a Adventist Healthcare Rehabilitation (“AHR”). In a separate request, AHR is seeking to place these 42 inpatient rehabilitation beds into temporary delicensure. WOMC/TP would house 42 of the Additional WOMC/TP acute hospital beds space.
- WOMC/TP would house the remaining 21 of the Additional WOMC/TP beds in space on the 5th floor that was previously used for hospital patients.

WOMC’s intention is for the additional WOMC/TP Beds to be ready for licensure, accreditation and certification within 10 days, with initiation of inpatient services promptly thereafter as needed. The Commission’s regulation limits an ECON to a capital budget that does not exceed the Commission’s statutory threshold for capital expenditures otherwise triggering a certificate of need requirement. The WOMC/TP building is being evaluated for any renovation, systems enhancement and equipment needs to implement the ECON. WOMC represents that this ECON will not involve a capital expenditure exceeding that threshold. WOMC will discuss with the Maryland Department of Health, the Health Services Cost Review Commission or any other sources of funding whether support is available for the ECON.

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. Further, we understand 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. WOMC does reserve the right to determine that the additional WOMC/TP Beds should be taken out of service after the termination of the declared state of emergency and, should that be the case, wishes to have an assurance that any ECON can remain in effect during a wind down and discharge of patients without the need for a certificate of need application should that period go beyond this 30-day post-emergency period.

¹ We can also share that the urgent care center Adventist HealthCare, Inc. placed into service as a condition of the certificate of need issued to WOMC is planned to be maintained during this period without limiting it to individuals presenting with symptoms that might indicate COVID 19 infection.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard L. Sollins". The signature is written in a cursive style with a long horizontal line extending to the left.

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
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