



Meritus Medical Center
11116 Medical Campus Rd
Hagerstown, MD 21742
301.790.8000

March 20, 2020

VIA EMAIL

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

Re: Emergency Certificate of Need Application – Meritus Medical Center, Inc.

Dear Mr. Steffen:

On behalf of Meritus Medical Center, Inc. (“Meritus”) and pursuant of COMMAR 10.24.01.20, I write to seek an Emergency Certificate of Need (“CON”): 1) to establish a twenty (20) bed unit of negative pressure rooms to be located adjacent to the existing emergency room, and 2) to convert five (5) offices currently on the 5th floor (5W) to five (5) inpatient MSGA beds.

As you know, due to a world-wide outbreak of a coronavirus known as SARA-Co V-2 (“COVID-19”), the President of the United States has declared a national state of emergency. The Secretary of the United States Department of Health and Human Services has 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 presents immediate hazards to the health of patients statewide, and 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. The U.S. government is preparing for an 18-month pandemic. Dr. Brian Monahan, the attending physician of Congress and the U.S. Supreme Court, said he expects 70 million to 150 million people in the U.S. will become infected with COVID-19. COVID-19 cases increased 40 percent in one day in New York State, as reported by Governor Andrew Cuomo. On March 18, the federal task force warned Americans to expect a spike in cases due to expanded testing access, according to U.S. News & World Report. The task force is currently working on a contingency plan in case the pandemic lasts up to "18 months or longer" and includes "multiple waves of illness," according to a report obtained by CNN.

Meritus hereby applies for an Emergency Certificate of Need for the purpose of establishing increased hospital capacity in preparation for an expected surge in hospital admissions related to COVID-19 infection and treatment as follows:

- 1) We propose an addition of a 20,000 square foot facility adjacent to the hospital's current emergency room. This facility will include twenty (20) negative pressure beds that are ventilator capable and could serve as a "Regional Infectious Containment Unit" or ICU. Ventilator capable and ICU rooms will be critical for several more months during this pandemic. The total project cost is estimated to be \$18-\$21 million and Meritus intends to request donor funding in support of the project. Given the unprecedented scope of the COVID-19 virus and danger to the public if additional capacity is not created within the Maryland healthcare system, we believe it necessary and in the public interest to provide the western Maryland region with this much needed high acuity inpatient capacity. We anticipate the project to be patient-ready four (4) months after CON approval. There is no existing unused physical bed space at the hospital that can be used for inpatients. We have had preliminary discussion with Washington County government to ensure all county permits are expedited.
- 2) We propose a project to convert five (5) offices currently on the 5th floor (5W) to five (5) inpatient MSGA beds. The total project cost is estimated to be \$240 thousand and Meritus intends to request donor funding in support of the project. We anticipate the project to be patient-ready within 30 days after CON approval. There is no existing unused physical bed space at the hospital that can be used for inpatients.

Meritus 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 the 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 Meritus 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,



Maulik S. Joshi, Dr.P.H.
President and Chief Executive Officer
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301-790-8215