

# GALLAGHER

GALLAGHER EVELIUS & JONES  
ATTORNEYS AT LAW

May 8, 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 – Stella Maris, Inc. –  
Establishment of 11 COVID-19 beds in Hospice Unit**

Dear Mr. Steffen and Ms. Potter:

On behalf of Stella Maris, Inc. (“Stella Maris”) and, pursuant to COMAR 10.24.01.20, we write to seek an Emergency Certificate of Need (“CON”) to expand the comprehensive care bed capacity by up to 11 beds at Stella Maris, located at 2300 Dulaney Valley Road, Timonium, MD 21903.

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 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 April 5, 2020, the Governor issued Executive Order 20-02-05-01 directing the Maryland Department of Health to reduce the spread of COVID-19 in nursing homes and other similar facilities, and declaring it necessary to authorize actions to monitor, treat, prevent, and reduce the spread of, and suppress COVID-19 in nursing homes and other similar facilities. Pursuant to the Governor’s Executive Order, on April 5, 2020, Secretary Neall of the Department of Health issued a Directive and Order that Maryland nursing homes designate a room, unit, or floor of the nursing home to care for residents with known or suspected COVID-19.

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## **Project Description**

Stella Maris is presently licensed for twenty-two (22) inpatient hospice beds, separated into two units on the 4<sup>th</sup> and 5<sup>th</sup> floors of the Pangborn Wing. Each hospice unit consists of eleven (11) beds, and each bed has piped oxygen capability. Since the COVID-19 pandemic, Stella Maris has been accepting fewer inpatient hospice admissions and presently has a census of only four (4) inpatient hospice patients.

Stella Maris hereby applies for an Emergency CON to convert the eleven (11) bed hospice unit on the 4<sup>th</sup> floor of the Pangborn Wing into a COVID-19 nursing home unit (“4<sup>th</sup> Floor COVID-19 Unit”). The proposed 4<sup>th</sup> Floor COVID-19 Unit is necessary to cohort COVID-19 patients who require oxygen therapy. The proposed 4<sup>th</sup> Floor COVID-19 Unit will have one hundred percent (100%) outside air and exhaust. There is a single elevator access to the proposed 4<sup>th</sup> Floor COVID-19 Unit, which will be designated as a COVID-19 only elevator.

Stella Maris has already applied for and obtained Emergency CON approval to establish an 18-bed COVID-19 unit located in an Adult-Day Care Center owned by Stella Maris on its campus but physically separated from its main nursing unit (the “Primary COVID-19 Unit”), and a second 21-bed COVID-19 unit in the Sheehan Wing Auditorium (the “Secondary COVID-19 Unit”). As reflected in Stella Maris’ prior Emergency CON Application, the Secondary COVID-19 Unit will only be established and implemented to the extent the Primary COVID-19 Unit is projected to be at capacity. Due to project costs and availability of oxygen, the previously approved Secondary COVID-19 Unit does not have the availability to provide oxygen therapy.

The proposed project is necessary to cohort COVID-19 patients who require oxygen therapy. Because Stella Maris has ceased accepting new hospice admissions and in light of the current inpatient hospice census, approval of this Emergency CON to convert eleven (11) hospice beds to nursing home beds will not impact hospice patients or expose any hospice patients to COVID-19 positive nursing home patients. All Stella Maris hospice patients will be moved to its 5<sup>th</sup> floor unit before COVID-19 nursing home patients are moved to the 4<sup>th</sup> floor of the Pangborn Wing.

The proposed project is necessary to comply with Secretary Neall’s April 5, 2020 Directive and Order, to care for and isolate Stella Maris residents who test positive for COVID-19 and to admit COVID-19 positive patients while providing necessary oxygen therapy.

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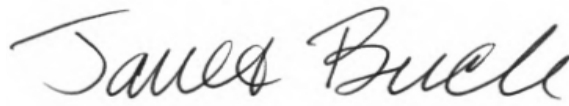
We respectfully request you to act on this request as soon as possible so that Stella Maris can open its above-described eleven (11) bed COVID-19 unit. Please let us know if you need any additional information regarding the requested Emergency CON Application.

Sincerely,



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Thomas C. Dame



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James C. Buck



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Mallory Regenbogen

Cc: via email

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  
Gregory Wm. Branch, M.D., MBA, CPE, FACP, Baltimore County Health Care Officer  
Patricia T. (Tricia) Nay, M.D. Director, Office of Health Care Quality  
David Cherry, Deputy Director, Federal Licensure Programs, Office of Health Care Quality  
Ranada Cooper, Manager, Nursing Home Program, Office of Health Care Quality  
Paul Parker, Director, Center for Health Care Facilities Planning & Development  
Kevin McDonald, Chief, Certificate of Need  
Suellen Wideman, Esq., Assistant Attorney General  
Regina Figueroa, LNHA, MHS, Chief Administrative Officer, Stella Maris, Inc.  
Judith Weiland, Senior Vice President, Strategic/Capital Planning & Facilities,  
Mercy Health Services, Inc.