

# GALLAGHER

GALLAGHER EVELIUS & JONES  
ATTORNEYS AT LAW

April 9, 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 up to 39 COVID-19 beds**

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 39 new 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 hereby applies for an Emergency CON for the purpose of establishing two separate COVID-19 units. First, Stella Maris would establish an 18-bed COVID-19 unit to be 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”). Pursuant to Secretary Neall’s April 5, 2020 Directive and Order, the Primary COVID-19 Unit at Stella Maris will be used to care for and isolate Stella Maris residents who test positive for COVID-19 and to admit COVID-19 positive patients of acute general hospitals who require comprehensive care services. The Primary COVID-19 Unit has separate entrances and exits such that any new admissions and readmissions will be physically separated from the general Stella Maris nursing home population.

A second 21-bed COVID-19 unit would be established, as needed, in the Sheehan Wing Auditorium (the “Secondary COVID-19 Unit”). The Secondary COVID-19 Unit would only be established and implemented to the extent the Primary COVID-19 Unit is projected to be at capacity.

Beds at both the Primary COVID-19 Unit and Secondary COVID-19 Units will be separated by six-feet. A floor plan of the Primary COVID-19 Unit is attached as **Exhibit A**, and a floor plan of the Secondary COVID-19 Unit is attached as **Exhibit B**. Again, however, both units would be restricted to only those residents who have tested positive for COVID-19 and who require comprehensive care services. All staff will be isolated from the main nursing home unit.

If approved, the Primary COVID-19 Unit at Stella Maris will be completed within seven days hours of Emergency CON approval and would cost \$4,500 per month in rental costs associated with the beds and equipment. The Secondary COVID-19 Unit could be established within seven days of Emergency CON approval with associated costs to be borne by Stella Maris.

The proposed projects are necessary in response to the COVID-19 pandemic and in accordance with the Governor’s Executive Orders and Secretary Neall’s Executive Directive and Order.

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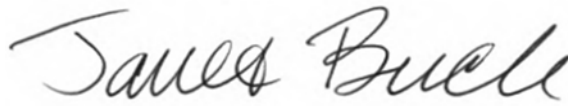
We respectfully request you to act on this request as soon as possible so that Stella Maris can open its above-described COVID-19 Units. Please let us know if you need any additional information regarding the requested Emergency CON Application.

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.

# EXHIBIT A

STELLA MARIS  
GROUND FL. - ADULT DAYCARE  
2300 DULANEY VALLEY ROAD  
TIMONIUM, MD 21043

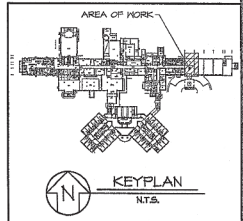
DESIGNED: DS  
DRAWN: BWA  
CHECKED: F.L.  
APPROVED: DED  
JOB #:

REVISIONS: DATE:

DATE: 12-1-04  
SCALE: 1/4"=1'-0"

PAGE DESCRIPTION:  
PART GROUND FLOOR  
PLAN - NEW  
WORK - POWER AND  
COMMUNICATION

SHEET: E6



5 Beds

**DRAWING NOTES:**

- 1 EXISTING AREA NOT WITHIN THE SCOPE OF THIS PROJECT. MAINTAIN EXISTING BRANCH CIRCUITS SERVING THIS AREA. COORDINATE ALL OUTAGES IN ADVANCE WITH THE OWNER.
- 2 PROVIDE DEDICATED RECEPTACLE FOR FAX MACHINE.
- 3 PROVIDE DEDICATED RECEPTACLE FOR REFRIGERATOR. COORDINATE EXACT MOUNTING HEIGHT WITH ARCHITECTURAL DRAWINGS.
- 4 PROVIDE DEDICATED RECEPTACLE FOR COPIER.
- 5 PROVIDE DEDICATED RECEPTACLE FOR FIREPLACE. COORDINATE EXACT LOCATION IN THE FIELD.
- 6 MAKE CONNECTION TO 120V LIFE SAFETY BRANCH CIRCUIT MADE AVAILABLE BY RENOVATION.
- 7 PROVIDE JUNCTION BOX, CONDUIT, AND ASSOCIATED WIRING FOR POWER DOOR. MAKE ALL FINAL ISO CONNECTIONS TO ASSOCIATED ELECTRICAL HARDWARE. PROVIDE JUNCTION BOXES FOR DOOR CONTROL DEVICES AND MAKE ALL REQUIRED CONNECTIONS IN CONDUIT.
- 8 MAKE ALL FINAL ELECTRICAL CONNECTION TO FAN/HEATER UNIT.
- 9 PROVIDE 3P-40A NFSS IN NEMA 1 ENCLOSURE. MOUNT AT FAN/HEATER UNIT.
- 10 MAKE ALL FINAL ELECTRICAL CONNECTIONS TO OUTDOOR CONDENSING UNIT.
- 11 PROVIDE 3P-30A NFSS IN NEMA 3R ENCLOSURE. MOUNT AT MOTOR.
- 12 RELOCATED EXISTING SPEAKER.

PART GROUND FLOOR PLAN - NEW WORK - POWER AND COMMUNICATIONS  
SCALE: 1/4"=1'-0"



# EXHIBIT B



