GALLAGHER EVELIUS & JONES LLP

ATTORNEYS AT LAW

August 7, 2018

VIA EMAIL & FIRST CLASS MAIL

Ms. Ruby Potter
ruby.potter@maryland.gov
Health Facilities Coordination Officer
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, Maryland 21215

Re: Request for Certificate of Need Exemption

University of Maryland Laurel Regional Hospital

Partial Response to Additional Information Questions Dated July 23, 2018

Dear Ms. Potter:

On behalf of Dimensions Health Corporation *d/b/a* University of Maryland Capital Region Health ("UM CRH"), University of Maryland Laurel Regional Hospital ("UM LRH"), and University of Maryland Prince George's Hospital Center, we are submitting six copies of applicant's second partial Response to Additional Information Questions Dated July 23, 2018 in the above-referenced matter. This Response addresses questions 14 through 16 of the July 23 request. A WORD version will be forwarded in a separate email.

We hereby certify that a copy of this submission has also been forwarded to the appropriate local health planning agency noted below.

Sincerely,

Thomas C. Dame

Mallory Regenbogen

Mallory Regenbogen

Enclosures

#635835 013849-0001

GALLAGHER EVELIUS & JONES LLP

ATTORNEYS AT LAW

Ms. Ruby Potter August 7, 2018 Page 2

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Dimensions Health Corporation d/b/a University of Maryland Capital Region Health
University of Maryland Laurel Regional Hospital and
University of Maryland Prince George's Hospital Center

Request for Exemption from Certificate of Need Review to Convert University of Maryland Laurel Regional Hospital to a Freestanding Medical Facility

Responses to Additional Information Questions Dated July 23, 2018

More Efficient Health Care Services, COMAR 10.24.19.04C(8)(i)

14. Why is it more efficient or in the public interest to operate a free-standing rateregulated two-operating room surgical center for Medicaid patients rather than allowing existing hospitals to absorb this small case volume? These hospitals would experience an increase in scale (and potential efficiency) for their larger surgical operating bases and are not located at any significant distance from the proposed FMF site. Address these factors in responding to this question.

Applicant Response

UM Capital Region has proposed to include two rate-regulated operating rooms in the freestanding medical facility for several reasons. First, the Laurel Strategic Planning Work Group (SPWG) identified outpatient surgical services as an important service to retain on campus to maintain access to these services for the community.

Second, promoting the health and wellness of children and special needs adults with Medicaid has been one of the primary goals of the Maryland Department of Health. The Department recognizes that high quality dental care is an important contributor to children's overall well-being. UM LRH developed a division of dentistry in 2015 in response to limited access to surgical facilities for local dentists providing pediatric and special needs dental surgery. Dentists reported an approximate six month waiting time for operating room availability in surrounding hospitals. UM LRH has filled this void and improved access to essential pediatric dental surgery services for the community.

UM LRH anesthesia and surgical departments underwent training of their anesthesiologist and nursing staff in Pediatric Advanced Life Support (PALS) and pharmacological protocols for safe medication administration. In addition, UM LRH's Medivac site pad and transfer agreement with Children's National Hospital provide additional safeguards for pediatric surgical patients in case of any unforeseen complications arise during surgery. UM LRH also developed screening criteria to prevent over utilization of services, as well as protocols and competencies of dental assistants. Complications are monitored and reported through the quality department. An interdisciplinary treatment team of oral surgeons and general dentists are able to treat medically complex adults who are unable to be treated safely in an ambulatory practice setting. The average OR time for these cases is approximately 120-150 minutes, which means these cases are usually unable to be performed safely in a dental office. The dentists and surgeons report that many of the surrounding hospitals do not have the infrastructure for this program and choose instead to focus on higher revenue surgical

procedures. In addition, most local hospitals have neither performed the additional training nor implemented the procedures necessary to manage these types of services.

Over the past two years, the program has grown tremendously from two to 18 credentialed dentists and oral surgeons to meet the community's needs. Additionally, as shown below in Figures 1 and 2, the number of dental surgical cases has increased by 83% from FY 2016 to FY 2018, and the number of operating minutes for dental cases has increased by 72% from FY 2016 to FY 2018 at UM LRH. Of the 566 dental cases that were performed at UM LRH between FY 2016 and FY 2018, 64% involved Medicaid patients. In order to continue meeting the community need for provision of dental surgical services especially involving Medicaid patients, UM Laurel Medical Center will need two operating rooms.

Figure 1
Number of Dental Cases at UM LRH
FY 2016 to FY 2018

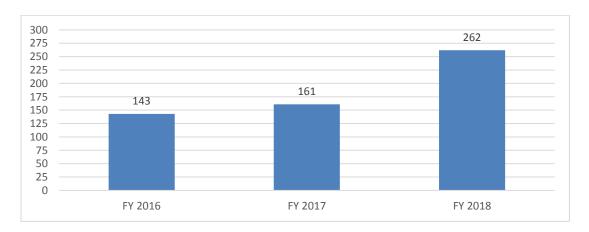
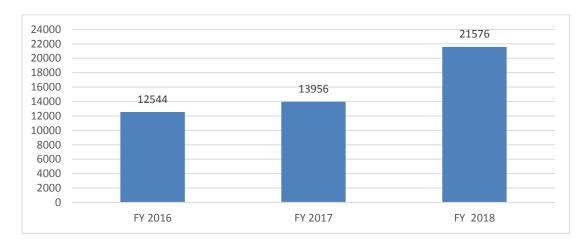


Figure 2
Number of Surgical Minutes for Dental Cases at UM LRH
FY 2016 to FY 2018



The third reason for proposing to include two operating rooms in the FMF is the rapidly growing orthopedic practice located across the street from UM LRH, which is performing the majority of its surgical cases at UM LRH. Over the past five years, the practice has expanded from a solo practice to five surgeons and one pain management physician. The practice provides care to the local community which is comprised of a growing senior and retirement community as well as residents of rapidly growing housing developments in the Laurel area. Patients prefer to receive and the practice members prefer to deliver care in their local community. The efficiency and support of the UM LRH surgical team to assist its physicians has made UM LRH the operating site of choice for this group and it plans to continue to grow in the future.

As demonstrated in Figures 3 and 4 below, the number of orthopedic cases performed at UM LRH increased by 45% between FY 2016 and FY 2018. Additionally, the number of operating room minutes for orthopedic surgeries increased by 36% over the same time period. Of the 1,563 orthopedic cases that were performed at UM LRH between FY 2016 and FY 2018, 42% involved Medicaid patients. In order to continue meeting the community need for provision of orthopedic surgical services especially involving Medicaid patients, UM Laurel Medical Center will need two operating rooms.

Figure 3
UM LRH Orthopedic Cases
FY 2016 to FY 2018

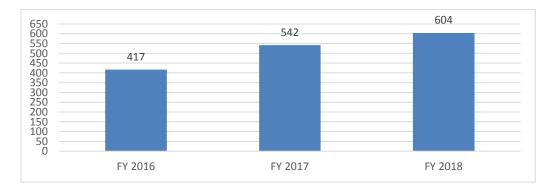
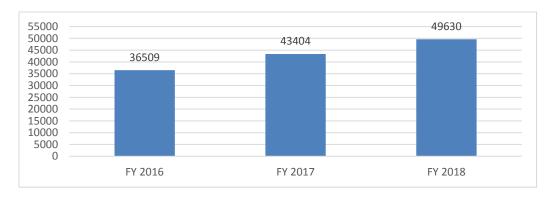


Figure 4
UM LRH Surgical Minutes for Orthopedic Surgeries
FY 2016 to FY 2018



15. Will the charges for these surgical services at the FMF be lower than the charges for these same services at the hospital alternatives?

Applicant Response

UM Capital Region Health and UMMS are working with the HSCRC to establish rates at UM LRH that are competitive in the market place. Besides the rate setting component, UM LRH is focused on improving the quality of the services being offered, reducing utilization, and improving efficiency, which will result in UM LRH's patients receiving more competitive pricing for services.

16. Document that market priced outpatient surgical facilities that can and will accept Medicaid patients are not available or accessible in the UM LRH service area. Do the same for any other outpatient services, other than emergency and observation services, that the proposed FMF intends to offer on a rate regulated basis.

Applicant Response

Ambulatory Surgical Services

Due to lower Medicaid reimbursement for specialty physicians, ASCs owned by physicians typically do not take a high number of Medicaid cases. Many complex orthopedic procedures are performed in acute general hospitals due to lack of reimbursement around implants and variable cost challenges. Variable cost challenges are generally borne by the facility, which make it unfeasible to serve a large Medicaid population in an unregulated setting such as an ASC.

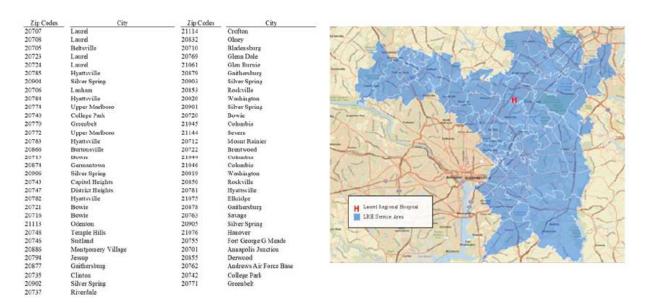
One of the major facets of UM Capital Region Health's plans for having two rate-regulated operating rooms at the UM Laurel Medical Center was the expectation that Medicaid patients it serves could not realistically obtain outpatient surgery at ambulatory surgical centers (ASC). According to the most recent MHCC Ambulatory Surgery Directory published in 2015, only 4% of cases at freestanding ASCs are Medicaid cases. Table 39 below, which includes the Approved CON applications currently shown on the MHCC website, demonstrates that freestanding ASCs treat very low percentages of Medicaid cases. In comparison, UM LRH is projecting that 34.1% of surgical cases at the UM Laurel Medical Center will involve Medicaid patients. As explained in Response 14 above, for dental and orthopedic cases UM LRH has served an even higher percentage of Medicaid patients in recent years. These rate-regulated operating rooms are needed to continue to provide access to surgical services for this patient population.

Table 39
Projected Medicaid Cases of
Approved Ambulatory Surgical Center CONs

Facility	Docket No.	Projected % of Medicaid Cases
Green Spring Station Surgery Center	15-03-2369 (8/7/15)	2.0%
Massachusetts Surgery Center	16-15-2378	0.0%
Mid-Atlantic Surgery Center	16-02-2381	1.0%
Kaiser Permanente Gaithersburg	17-15-2390	0.0%
Columbia Surgical Center	17-13-2391	2.0%
Riva Road Surgical Center	17-02-2392	3.0%
Thomas Johnson Surgery Center	17-10-2410	0.0%
University of Maryland Laurel Regional Hospital FMF		34.1%

Table 22 on page 51 of UM LRH's FMF Application shows the UM LRH Ambulatory Surgery Service Area. This table is reproduced below for ease of reference.

Table 22 Laurel FMF Outpatient Surgery Service Area FY2017



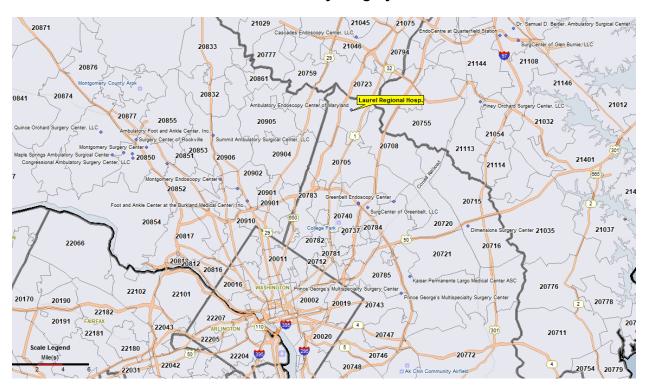
According to the MHCC's 2015 Public Use Ambulatory Facility database (the most recent year available) there are 77 Freestanding ASCs in the Zip Codes comprising the UM LRH Ambulatory Surgery Service Area. On the "Background" tab in the database, the final column is entitled "medassist." This field denotes whether the facility is certified under the

Medical Assistance program. Of the 77 ASCs in the LRH service area, 43 have answered yes to this inquiry. Exhibit 19 lists these 43 facilities. The 43 ASCs that are certified may not provide adequate access to surgical services for residents of the UM LRH service area, due to their locations and specializations:

- Only one ASC (an Endoscopy Center) is in the same Zip Code as UM LRH.
 Only 12 of the 43 are located in Prince George's County. Of these, three have no ORs and eight are single specialty facilities.
- Eighteen are located in Montgomery County, of which six have no ORs and 13 are single specialty facilities. Most of the facilities are located around or west of Rockville Pike.
- Seven are located in Howard County in the Columbia or Elkridge areas. Of these, four have no ORs, and six are single specialty facilities.
- Six are located in Anne Arundel County, mainly in Glen Burnie. Of these, two have no ORs, and four are single specialty facilities.

Figure 5 below is a map showing the location of these facilities. Figure 5 demonstrates that these facilities are not easily accessible for Medicaid patients living near the UM LRH Campus.

Figure 5
Medicaid Certified Freestanding ASCs Located in UM LRH's Ambulatory Surgery Service Area



Finally, as stated previously, it is unrealistic to expect that these facilities will be able to accommodate the more than 700 Medicaid patients that UM Laurel Medical Center is expecting that it will serve (2,074 projected cases X 34.1% Medicaid = 707.2 Medicaid cases) when, statewide, the average is 4%.

Psychiatric Intensive Outpatient Program / Partial Hospitalization Program

Maintaining access to necessary outpatient behavioral health services was a major focus of the Laurel SPWG planning discussions. One of the key recommendations made by the SPWG Behavioral Health Subcommittee was that UM Capital Region Health develop a comprehensive array of ambulatory behavioral health services on the UM Laurel Medical Center campus in order to continue serving an important need in the community. Today, UM LRH provides voluntary inpatient behavioral health services, a partial hospitalization program, and an intensive outpatient program. At the UM Laurel Medical Center, UM Capital Region is proposing to have four secure psychiatric ED treatment bays, a partial hospitalization program, and an intensive outpatient program to allow patients to transition directly from emergency to intensive outpatient treatment, when appropriate. This continuum of care will provide a "step down" program for patients, which alongside population health initiatives, will help prevent unnecessary inpatient behavioral health utilization.

Beacon Health Options Maryland provided UM Capital Region Health with a list of all behavioral health providers in the UM LRH service area offering intensive outpatient or partial hospitalization programs in unregulated space that accept Medicaid patients. UM Capital Region Health also identified a few hospitals in UM LRH's service area that provide these programs. Table 40 below provides the intensive outpatient behavioral health programs within the UM LRH MSGA service area accepting Medicaid patients. Beacon Health could not identify any programs within UM LRH's service area offering partial hospitalization programs to Medicaid patients in unregulated space.

Table 40
Intensive Outpatient Behavioral Health Programs
Within the UM LRH MSGA Service Area

PROVIDER NAME	ADDRESS	DISTANCE TO UM LAUREL MEDICAL CENTER CAMPUS
Interdynamics, Inc.*	4601 Forbes Blvd. Ste. 100 Lanham, MD 20706	14.2 miles
Prince George's County Health Department*	501 Hampton Park Blvd. Capitol Heights, MD 20743	17.8 miles
Prince George's County Health Department*	3003 Hospital Drive Hyattsville, MD 20785	14.0 miles
Chase Brexton Health Services Inc.*	200 Hospital Drive Ste. 300 Glen Burnie, MD 21061	21.2 miles
Doctors Community Hospital	8118 Good Luck Road Lanham, MD 20706	14.0 miles

PROVIDER NAME	ADDRESS	DISTANCE TO UM LAUREL MEDICAL CENTER CAMPUS
Washington Adventist Hospital	7600 Carroll Avenue Takoma Park, MD 20912	13.0 miles
Anne Arundel Medical Center	2001 Medical Parkway Annapolis, MD 21401	25.9 miles
Baltimore Washington Medical Center	301 Hospital Drive Glen Burnie, MD 21061	22.0 miles
Howard County General Hospital	5755 Cedar Lane Columbia, MD 21044	14.5 miles
Medstar Southern Maryland Hospital Center	7503 Surratts Road Clinton, MD 20735	29.4 miles

^{*}Program located in unregulated space.

Table 41
Partial Hospitalization Programs
Within the UM LRH MSGA Service Area

PROVIDER NAME	ADDRESS	DISTANCE TO UM LAUREL MEDICAL CENTER CAMPUS
Washington Adventist Hospital	7600 Carroll Avenue Takoma Park, MD 20912	13.0 miles
Anne Arundel Medical Center	2001 Medical Parkway Annapolis, MD 21401	25.9 miles
Baltimore Washington Medical Center	301 Hospital Drive Glen Burnie, MD 21061	22.0 miles
Medstar Southern Maryland Hospital Center	7503 Surratts Road Clinton, MD 20735	29.4 miles
UM Prince George's Hospital Center	3001 Hospital DriveCheverly, MD 20785	16.0 miles

Wound Care

Wound care is another outpatient service that UM LRH identified during the SPWG process as being necessary to retain adequate access to these services for residents of its service area. The UM LRH Wound Care Program is a surgeon-led, multidisciplinary team approach to wound healing. The program is comprised of advanced modalities such as hyperbaric oxygen therapy, skin substitutes, grafting, and total casting to promote wound healing. For the past three years, the program has received Center of Excellence awards from its wound care management service for achieving clinical benchmarks of days to heal, patient satisfaction, and a greater than 94% healing rate.

Table 42 below provides the location of other wound care programs in UM LRH's MSGA service area. There are no stand-alone wound care programs with hyperbaric therapy in the service area; all of the other programs within the service area are located in regulated space in hospitals. Maintaining wound care services on the UM Laurel Medical Center Campus is essential to continue providing convenient access to these services for residents of the service area.

Table 42
Wound Care Centers
Within the UM LRH MSGA Service Area

PROVIDER NAME	ADDRESS	DISTANCE TO UM LAUREL MEDICAL CENTER CAMPUS	HYPERBARIC MEDICINE OFFERED (Y/N)?
Howard County General Hospital	5755 Cedar Lane Columbia, MD 21044	14.5 miles	N
Washington Adventist Hospital	9 1311 milds		
Anne Arundel Medical Center	2001 Medical Parkway Annapolis, MD 21401	25.9 miles	Υ
Doctors Community Hospital	8118 Good Luck Road Lanham, MD 20706	14.0 miles	Υ
Baltimore Washington Medical Center	301 Hospital Drive Glen Burnie, MD 21061	22.0 miles	Y
Medstar Southern Maryland Hospital Center	7503 Surratts Road Clinton, MD 20735	29.4 miles	Y

August 7, 2018

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19	Medicaid Certified FASCs Located in UM LRH's Ambulatory Surgery Service Area—FY 2015

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I hereby declare and affirm under the penalties of perjury that the facts stated in this Response to Additional Information Questions Dated July 23, 2018 and its attachments are true and correct to the best of my knowledge, information, and belief.

Jeffrey L. Johnson, MBA, FACHE Senior Vice President, Strategic Planning & Business Development University of Maryland Capital Region Health

I hereby declare and affirm under the penalties of perjury that the facts stated in this Response to Additional Information Questions Dated July 23, 2018 and its attachments are true and correct to the best of my knowledge, information, and belief.

8/1/2018 Date

Senior Vice President & Chief Financial

Officer

University of Maryland Capital Region Health

#635417 013849-0001 I hereby declare and affirm under the penalties of perjury that the facts stated in this Response to Additional Information Questions Dated July 23, 2018 and its attachments are true and correct to the best of my knowledge, information, and belief.

8 2 2018

Date

Trudy R. Half, M.D.

Interim President & Vice President for

Medical Affairs

UM Laurel Regional Hospital

I hereby declare and affirm under the penalties of perjury that the facts stated in this Response to Additional Information Questions Dated July 23, 2018 and its attachments are true and correct to the best of my knowledge, information, and belief.

Date

Michael Wood

Senior Director of Reimbursement

UMMS

I hereby declare and affirm under the penalties of perjury that the facts stated in this Response to Additional Information Questions Dated July 23, 2018 and its attachments are true and correct to the best of my knowledge, information, and belief.

8/1/18 Date

Andrew L. Solberg

A.L.S. Healthcare Consultant Services

EXHIBIT 19

Medicaid Certified FASCs Located in UM LRH's Ambulatory Surgery Service Area FY 2015

Directory Name	Street	City	State	Zip Code	Jurisdiction	Total Phys	Total DPM	Total DDS	Specialty	ORs	PRs
Greenbelt Endoscopy Center	9821 Greenbelt Road	Lanham	MD	20706	Prince George's	10	0	0	Single	0	4
Ambulatory Endoscopy Center of Maryland	7350 Van Dusen Road	Laurel	MD	20707	Prince George's	7	0	0	Single	0	3
Dimensions Surgery Center	14999 Health Center Drive	Bowie	MD	20716	Prince George's	26	5	1	Multi	4	2
Southern Maryland Endoscopy Center, LLC	7700 Old Branch Avenue	Clinton	MD	20735	Prince George's	5	0	0	Single	0	2
University Center for Ambulatory Surgery	6502 Kenilworth Avenue	Riverdale	MD	20737	Prince George's	10	0	0	Multi	1	2
Greenbelt Urology Institute, LLC	7813 Belle Point Drive	Greenbelt	MD	20770	Prince George's	13	0	0	Single	1	1
Metropolitan Ambulatory Urologic Institute, LLC	7759 Belle Point Drive	Greenbelt	MD	20770	Prince George's	13	0	0	Single	2	1
SurgCenter of Greenbelt, LLC	7300 Hanover Drive	Greenbelt	MD	20770	Prince George's	11	4	0	Multi	1	1
Kaiser Permanente Largo Medical Center ASC	1221 Mercantile Lane	Largo	MD	20774	Prince George's	122	9	0	Multi	6	0
Belcrest Surgery Center, LLC	6505 Belcrest Road	Hyattsville	MD	20782	Prince George's	0	1	0	Single	1	0
Prince George's Multispecialty Surgery Center	8700 Central Avenue	Landover	MD	20785	Prince George's	0	1	0	Single	2	0
Prince George's Multispecialty Surgery Center	8700 Central Avenue	Landover	MD	20785	Prince George's	0	1	0	Single	2	0
Advanced Surgery Center, LLC	10110 Molecular Drive	Rockville	MD	20850	Montgomery	9	0	0	Single	0	3
Certified Ambulatory Surgery Center	9715 Medical Center Drive	Rockville	MD	20850	Montgomery	1	0	0	Single	0	1
Children's Ambulatory Surgery Center at Montgomery County	9850 Key West Avenue	Rockville	MD	20850	Montgomery	30	0	0	Multi	2	0
Congressional Ambulatory Surgery Center, LLC	15005 Shady Grove Road	Rockville	MD	20850	Montgomery	1	0	0	Single	0	1

Directory Name	Street	City	State	Zip Code	Jurisdiction	Total Phys	Total DPM	Total DDS	Specialty	ORs	PRs
Gastrointestinal Endoscopy Associates	15005 Shady Grove Road	Rockville	MD	20850	Montgomery	14	0	0	Single	0	5
Montgomery Surgery Center	46 West Gude Drive	Rockville	MD	20850	Montgomery	78	4	0	Multi	4	2
Surgery Center of Rockville	2 Choke Cherry Road	Rockville	MD	20850	Montgomery	14	0	0	Multi	1	2
The Ambulatory Urosurgical Center	401 E. Jefferson Street	Rockville	MD	20850	Montgomery	15	0	0	Single	1	1
White Flint Surgery, LLC	15001 Shady Grove Road	Rockville	MD	20850	Montgomery	4	0	0	Multi	1	2
Maple Springs Ambulatory Surgical Center	10810 Darnestown Road	Gaithersburg	MD	20878	Montgomery	0	1	0	Single	1	1
Quince Orchard Surgery Center, LLC	900 Wind River Lane	Gaithersburg	MD	20878	Montgomery	1	0	0	Single	0	1
Kaiser Permanente Gaithersburg Medical Center ASC	655 Watkins Mill Road	Gaithersburg	MD	20879	Montgomery	83	8	0	Multi	2	0
Four Corners Ambulatory Surgical Center, LLC	10101 Lorain Avenue	Silver Spring	MD	20901	Montgomery	0	1	0	Single	1	0
Foot and Ankle Center at the Burkland Medical Center, Inc.	10313 Georgia Avenue	Silver Spring	MD	20902	Montgomery	0	2	0	Single	1	1
Silver Spring Podiatry Center	2730 University Boulevard, West	Silver Spring	MD	20902	Montgomery	0	1	0	Single	1	0
Ambulatory Foot and Ankle Center, Inc.	3801 International Drive	Silver Spring	MD	20906	Montgomery	0	2	0	Single	1	0
Montgomery Endoscopy Center	12012 Viers Mill Road	Wheaton	MD	20906	Montgomery	3	0	0	Single	0	2
Summit Ambulatory Surgical Center, LLC	3801 International Drive	Silver Spring	MD	20906	Montgomery	4	0	0	Single	1	2
Howard County Gastrointestinal Diagnostic Center, LLC	10710 Charter Drive	Columbia	MD	21044	Howard	11	0	0	Single	0	3
Maryland Surgeons Center of Columbia	11055 Little Patuxent Parkway	Columbia	MD	21044	Howard	21	0	0	Multi	1	1
Advanced Endoscopy Center of Howard County, LLC	8875 Centre Park Drive	Columbia	MD	21045	Howard	1	0	0	Single	0	2
Cascades Endoscopy Center, LLC	7120 Minstrel Way	Columbia	MD	21045	Howard	2	0	0	Single	0	1

Directory Name	Street	City	State	Zip Code	Jurisdiction	Total Phys	Total DPM	Total DDS	Specialty	ORs	PRs
Podiatry Associates Ambulatory Surgical Center, LLC	5500 Knoll North Drive	Columbia	MD	21045	Howard	0	3	0	Single	1	0
ASC Development Company, LLC - Glen Burnie	1600 Crain Highway, SW	Glen Burnie	MD	21061	Anne Arundel	2	0	0	Single	0	2
Dr. Samuel D. Beitler, Ambulatory Surgical Center	795 Aquahart Road	Glen Burnie	MD	21061	Anne Arundel	1	1	0	Single	1	3
EndoCentre at Quarterfield Station	7704 Quarterfield Road	Glen Burnie	MD	21061	Anne Arundel	11	0	0	Single	0	2
SurgCenter of Glen Burnie, LLC	308 Hospital Drive	Glen Burnie	MD	21061	Anne Arundel	18	7	0	Multi	1	2
Central Maryland Endoscopy, LLC	8186 Lark Brown Road	Elkridge	MD	21075	Howard	4	0	0	Single	0	2
Columbia Surgical Institute, LLC	6020 Meadowridge Center Drive	Elkridge	MD	21075	Howard	10	0	0	Single	1	2
Arundel Mills Surgery Center, Inc.	7550 Teague Road	Hanover	MD	21076	Anne Arundel	1	0	0	Single	1	1
Piney Orchard Surgery Center, LLC	1132 Annapolis Road	Odenton	MD	21113	Anne Arundel	10	0	0	Multi	2	0