

April 4, 2024

Mallory Regenbogen, Esq.  
James Buck, Esq.  
Gallagher, Evelius and Jones  
218 N Charles Street, Suite 400  
Baltimore, MD 21201

**Re: Conversion of Edward W. McCready Memorial  
Hospital to a Freestanding Medical Facility  
Docket No. 19-19-EX010**

Dear Ms. Regenbogen and Mr. Buck:

Thank you for your Request for a Post-Approval Project Change submitted on March 29, 2024. After review of the request, Maryland Health Care Commission (MHCC or Commission) staff has the following questions for Tidal Health Peninsula Regional, Inc. (Tidal Health):

1. Describe all renovations completed at the existing facility during Phase 1. What was the final budget? And provide a detailed explanation and accounting for each component of Phase 1 that was not implemented as approved. (The original budget included \$5,000 in architects' fees and \$15,000 in permits.)
  - a. The applicant stated that some of the renovations would include creating an airborne infection isolation room and modifying toilet facilities to remove barriers and ensure compliance with ADA standards. Are those renovations complete?
2. Tidal Health stated in their original exemption request that they did not want to locate the FMF at the McCready hospital site due to rising water levels that threatened the physical plant, parking areas, and access to the facility. What has been done to protect access and what plans are in place to ensure that access to services at the FMF is not hindered by rising water levels in the future?

3. COMAR 10.24.19.04 requires an applicant to provide public notice regarding a proposed conversion of a general hospital to an FMF and hold a public informational hearing. MHCC found that Tidal Health complied with this standard when it held a public hearing on August 20, 2019. However, since the program has significantly changed, and the community will not have a new FMF building in the foreseeable future, as promised, describe and provide documentation of how the community has been informed of this change, including whether a public meeting has been held or will be held in the future. If there has been no such public notification, describe the efforts that will be made to engage and inform the community and the timeline for this action.
4. Provide any letters of support for this project change.
5. In the first notification of the project change submitted on February 15, 2024, Tidal Health stated that it “reserves the right to discontinue certain non-emergency, rate regulated services at Tidal Health McCready Pavilion subject to future discussions and approval by the Health Services Cost Review Commission”. Please describe the services that Tidal Health contemplates eliminating at the Tidal Health McCready Health Pavilion.
6. Provide a revised revenue/expense table for the FMF including any HSCRC rate reduction due to the project change.

Please reply to the above questions and items of additional information within ten working days of receipt. Also submit the response electronically, in both Word and PDF format, to Ruby Potter ([ruby.potter@maryland.gov](mailto:ruby.potter@maryland.gov)) and to [mhcc.confilings@maryland.gov](mailto:mhcc.confilings@maryland.gov).

If additional time is needed to prepare a response, please let me know at your earliest convenience. All information supplementing the request must be signed by person(s) available for cross-examination on the facts set forth in the supplementary information, who shall sign a statement as follows: “I hereby declare and affirm under the penalties of perjury that the facts stated in this application and its attachments are true and correct to the best of my knowledge, information, and belief.”



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Should you have any questions regarding this matter, you can contact me at 410-764-3232.

Sincerely,



Moira Lawson  
Program Manager

cc: Ben Steffen, Executive Director  
Wynee Hawk, Director, Center for Health Care Facilities Planning & Development  
Jeanne Marie Gawel, Chief, Certificate of Need Program  
Alexa Bertinelli, Esquire, Assistant Attorney General  
Caitlin E. Tepe, Esquire, Assistant Attorney General  
Danielle Weber, R.N., Somerset County Health Officer  
Theodore Delbridge, M.D., Executive Director, Maryland Institute for Emergency  
Medical Services Systems  
Pat Gainer, J.D., MPA, Deputy Director, Maryland Institute for Emergency Medical  
Services Systems  
Steven Leonard, President and CEO, Tidal Health, Inc.  
Stephanie Gary, Vice President and CFO, Tidal Health, Inc.  
Christopher Hall, Vice President, Strategy and Business Development/Chief Business  
Officer, Tidal Health, Inc.

