



October 5, 2021

By E-Mail

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Dana Farrakhan, MHS, FACHE
Senior Vice President
University of Maryland Medical Center, Inc.
22 S. Greene Street
Baltimore, Maryland 21201

Re: Ruling on Request for Reconsideration
Hope Health Systems, Inc.
Application for Certificate of Need
Docket No.: 20-03-2444

Dear Ms. Harting, Mr. Buck, and Ms. Farrakhan:

Hope Health Systems, Inc. (Hope Health) has requested that I reconsider my September 24, 2021 ruling denying its request to file comments on the August 9, 2021 and September 9, 2021 responses by Health Services Cost Review (HSCRC) staff to requests that it provide an opinion on the financial feasibility of Hope Health's proposed project. Interested party Sheppard Pratt filed objections to Hope Health's request. Because, as noted below, Hope Health previously had a direct opportunity to provide the information noted in HSCRC staff's August and September memos but failed to do so fully, its request for reconsideration is denied.

I note that, on March 24, 2021, HSCRC staff sent a detailed request for information regarding Hope Health's CON application to Bryan Niehaus, JD, CHC, Hope Health's consultant. On April 26, 2021, Hope Health responded to MHCC staff's completeness questions on its March 15, 2021 modified application. On that same date, Mr. Niehaus clarified that Hope Health's April 26 response to MHCC staff was "intended to address the substantive topics raised by ... MHCC, Sheppard Pratt, and HSCRC [and that] [d]ue the overlapping issues and HHS' responses, HHS submitted one response addressing the documents." Thus, Hope House viewed its April 26 response as having provided HSCRC staff with the information it requested one month earlier.

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I gave Hope Health an additional opportunity to address financial and other issues in my August 5, 2021 letter. I later sent a copy of Hope Health's August 19, 2021 response to HSCRC staff. I characterized that response as providing Hope Health's "clarifications on utilization, projected service area, need for the proposed special psychiatric hospital, and financial viability [and] also includes additional financial information not previously submitted." On September 7, 2021, I asked HSCRC staff to advise me whether the information in Hope Health's August 19 response impacted the opinion provided by HSCRC staff in its August 9, 2021 memorandum. In its September 9, 2021 response, HSCRC staff again stated that its requests for information had not been fulfilled by Hope Health.

Under these circumstances, I deny Hope Health's request for reconsideration.

I remind all parties that this is a contested case and that the *ex parte* prohibitions in the Administrative Procedure Act, Maryland Code Ann., State Gov't §10-219, apply to this proceeding until the Commission issues a final decision.

Sincerely,



Marcia L Boyle
Commissioner/Reviewer

cc: Nilesh Kalyanaraman, M.D., Health Officer, Anne Arundel County
Letitia Dzirasa, M.D., Health Officer, Baltimore City
Gregory W. Branch, M.D., Health Officer, Baltimore County
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