

MARYLAND HEALTH CARE COMMISSION

Certificate of Need

TO: Yehuda Alter
Avenue Recovery Center, LLC
211 Boulevard of the Americas, Suite 503
Lakewood, NJ 08701

November 17, 2022
Date

RE: DWI Services, Inc. d/b/a/
Avenues Recovery Center of Maryland
Establish a new 20 bed Track One
Intermediate Care Facility

22-04-2455
Docket No.

PROJECT DESCRIPTION

This Certificate of Need authorizes DWI Services, Inc., d/b/a Avenues Recovery Center of Maryland (Avenues) to establish a new 20 bed Track One Intermediate Care Facility (ICF) for adults providing Level 3.7, Medically Monitored Intensive Inpatient and Level 3.7-WM, Medically Monitored Intensive Inpatient Withdrawal Management (Detoxification) services. The proposed ICF will operate on the second floor, in an existing 93-bed facility located at 125 Fairground Road in Prince Frederick, Calvert County.

The total project cost is \$55,000. There is no construction or renovation expenditures. The project will be funded with cash.

ORDER

The Maryland Health Care Commission (Commission) reviewed the Staff Report and Recommendation and based on that analysis and the record of the review, ordered on November 17, 2022, that a Certificate of Need be issued for the project with the following three conditions:

1. Avenues Recovery Center of Maryland shall document the provision of a minimum of 15% of patient days to indigent and gray area patients, as defined at COMAR 10.24.14.08B(9) and (11), by submitting annual reports auditing its total days and the provision of days to indigent and gray area patients as a percentage of total days. Such audit reports shall be submitted to the Commission following each fiscal year, from the project's inception and continuing for five years thereafter;
2. Avenues Recovery Center of Maryland must receive preliminary accreditation for the Level 3.7 services it will provide, including withdrawal management and post-withdrawal treatment programming, by The Joint Commission (TJC) or another accrediting body approved by the Maryland Department of Health prior to First Use approval by the Commission, and must timely receive final accreditation by TJC or another approved accrediting body. [COMAR 10.24.14.05H];

3. Avenues Recovery Center of Maryland shall notify the Commission and the Behavioral Health Administration, in writing, within fifteen days after it receives notice that its accreditation has been revoked or suspended for reasons related to health or safety or it loses its State license. Avenues Recovery Center of Maryland shall cease operation until the Behavioral Health Administration notifies the Commission that the deficiencies have been corrected. [COMAR 10.24.14.05H]

PERFORMANCE REQUIREMENTS

In accordance with COMAR 10.24.01.12C(3)(c), the project is subject to the following performance requirements:

1. Obligation of not less than 51 percent of the approved capital expenditure, as documented by a binding construction contract, within eighteen (18) months of the date of this Certificate of Need;
2. Initiation of construction no later than four months after the effective date of the binding construction contract; and
3. Documentation that the approved project has been completed, has been licensed, and has met all legal requirements and is providing the approved services no later than eighteen (18) months after the effective date of the binding construction contract.

Failure to meet these performance requirements will render this Certificate of Need void, subject to the requirements of COMAR 10.24.01.12 F through I.

PROPOSED CHANGES TO THE APPROVED PROJECT

Before making any changes to the facts in the Certificate of Need application and other information provided to the Commission, Avenues must notify the Commission in writing and receive Commission approval of each proposed change, including the obligation of any funds above those approved by the Commission in this Certificate of Need, in accordance with COMAR 10.24.01.17. Pursuant to COMAR 10.24.01.17B(2), the project cannot incur capital cost increases that exceed the approved capital cost inflated by an amount determined by applying the Building Cost Index published on a quarterly basis by IHS Economics in the Healthcare Cost Review unless Avenues obtains a modification of this Certificate of Need from the Commission. Instructions for determining the threshold that necessitates Commission review and approval of changes to the capital cost approved in this Certificate of Need are located on the Commission's website at:

http://mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_con/hcfs_con.aspx

DESIGN APPROVAL AND FACILITIES LICENSURE BY DHMH

This Certificate of Need does not constitute a license or replace any approvals required by the Office of Health Care Quality or others within the Maryland Department of Health ("MDH")

to construct and operate new space within an existing facility. Avenues must provide MDH with all information it requires for plan approval, facility licensure, and putting into operation renovated space within its existing facility, including information pertaining to project design and specifications.

QUARTERLY STATUS REPORTS

Avenues must submit quarterly status reports on the approved project to the Commission, beginning February 17, 2023, three months from the date of this Certificate of Need, and continuing, at three-month intervals, until the completion of the project.

REQUEST FOR FIRST USE REVIEW

Avenues must request in writing, not less than 60 days but not more than 120 days before the first use of the approved ICF facility, a first use review from the Commission, specifying the anticipated date of first use and documenting that the project has been substantially completed and will be completed, within 120 days or less, in a manner and at a cost consistent with this Certificate of Need. Commission staff will review the request in consultation, as necessary, with OHCQ, and in accordance with COMAR 10.24.01.18 to determine whether the project conforms with the Certificate of Need. First use approval does not constitute a license or replace any approvals required by OHCQ or others within MDH to operate new space within an existing health care facility. Therefore, Avenues should assure that OHCQ is notified of the imminent completion of the project and should arrange for completion of any inspections and or approvals required by OHCQ in a timely manner. First use approval remains in effect for 90 days. If first use of the new ICF facility does not occur within 90 days of approval, Avenues shall reapply for first use approval.

ACKNOWLEDGEMENT OF RECEIPT OF CERTIFICATE OF NEED

Acknowledgement of your receipt of this Certificate of Need, stating acceptance of its terms and conditions, is required within thirty (30) days.

MARYLAND HEALTH CARE COMMISSION



Ben Steffen
Executive Director

cc: Patricia T. Nay, M.D., Executive Director, Office of Health Care Quality
Laurence Polsky, M.D., Health Officer, Calvert County Health Department
Carolyn Jacobs, Esquire