

MARYLAND HEALTH CARE COMMISSION

Modified Certificate of Need

TO: Jennifer Knopp, R.N., Director of Surgical Services
Chesapeake Eye Surgery Center
2002 Medical Parkway, Suite 300
Annapolis, Maryland 21401

September 19, 2024
(Date)

RE: Chesapeake Eye Surgery Center, LLC
Establish a Three OR ASF
in Annapolis, Maryland

22-02-2461
(Docket No.)

PROJECT DESCRIPTION

The Certificate of Need (CON) authorizes Chesapeake Eye Surgery Center, LLC (CESC) to add one sterile operating room (OR) to its existing center, resulting in three sterile ORs after project completion and thereby establishing an ambulatory surgical facility (ASF).¹ The applicant states that the project will renovate and convert an existing recovery room to an OR, as well as expand the preoperative and postoperative area.

As approved, the total project cost to renovate existing space into a third OR is \$636,164, to be paid for with cash.

As modified, the total approved project cost is increased to \$1,175,358, which will be paid for with cash. The increased cost is attributable to unanticipated expenses for building renovation and movable equipment.

ORDER

The Commission reviewed the Staff Report and Recommendation and based on that analysis and the record in the review, ordered on September 19, 2024, that a modified Certificate of Need filed by Chesapeake Eye Surgery Center to establish an ambulatory surgical facility at 2002 Medical Parkway, Suite 300 in Annapolis, Maryland, at a total cost of \$1,175,358 is hereby approved with the following condition:

1. Chesapeake Eye Surgery Center shall continue to provide a patient with an estimate of out-of-pocket charges prior to arrival for surgery.

PERFORMANCE REQUIREMENTS

¹ COMAR 10.24.11.07B(3) defines an ambulatory surgical facility as a health care facility that: (a) has three or more operating rooms; (b) operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization and (c) seeks reimbursement from payors as an ambulatory surgical facility.

In accordance with COMAR 10.24.01.12B(2) and C(3)(c), this 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 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 18 months after the effective date of the binding construction contract.

CHANGES TO THE APPROVED PROJECT

Before making any changes to the facts in the Certificate of Need application approved by the Commission, Chesapeake Eye Surgery Center 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.

DESIGN APPROVAL AND FACILITIES LICENSURE BY MDH

This Certificate of Need does not constitute a license or replace any approvals required by the Office of Health Care Quality (OHCQ) or others within the Maryland Department of Health (MDH) to operate a new facility. Chesapeake Eye Surgery Center must provide MDH with all information it requires for plan approval and facility licensure.

REQUEST FOR FIRST USE REVIEW

Chesapeake Eye Surgery Center must request a first use review of the Ambulatory Surgical Facility from the Commission and the OHCQ, including providing proof of Medicare certification. Such request must be in writing, must specify the anticipated date of first use, and must be received not less than 60 days but not more than 120 days before the first use.

The Commission will review the request in consultation with OHCQ, as provided in COMAR 10.24.01.18, to determine whether the project conforms to this Certificate of Need. First use approval does not constitute a license or replace any approvals required by OHCQ or others within MDH to operate a health care facility. Therefore, Chesapeake Eye Surgery Center 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 facility does not occur within 90 days of approval, Chesapeake Eye Surgery Center 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: Thomas Piteo, Vice President of Facilities & Resource Management
Michel Briggs, Office of Health Care Quality
Oksana Likhova, Office of Health Care Quality
Tonii Gedin, Health Officer, Anne Arundel County