

IN THE MATTERS OF

MEDSTAR FRANKLIN SQUARE KIDNEY
TRANSPLANT SERVICE

Docket No. 17-03-2405

-and-

MEDSTAR FRANKLIN SQUARE LIVER
TRANSPLANT SERVICE

Docket No. 17-03-2406

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BEFORE THE MARYLAND
HEALTH CARE
COMMISSION

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**UNIVERSITY OF MARYLAND MEDICAL CENTER’S
RENEWED MOTION FOR STAY OF CERTIFICATE OF NEED REVIEW
OF MEDSTAR HEALTH, INC.’S APPLICATIONS PROPOSING THE
ESTABLISHMENT OF LIVER AND KIDNEY TRANSPLANT SERVICES**

University of Maryland Medical Center (“UMMC”), by its undersigned counsel and pursuant to COMAR § 10.24.01.10B, submits this Renewed Motion for Stay of the Certificate of Need (“CON”) reviews of the applications and related materials filed by MedStar Health, Inc. (“MedStar”) proposing to establish liver and kidney transplant services at Franklin Square Hospital Center d/b/a MedStar Franklin Square Medical Center (“MFSMC”). UMMC incorporates its October 15, 2018 Motion for stay of CON reviews and its November 26, 2018 Reply in further support of its motion as if set forth in full.

As described more fully in the accompanying Memorandum in support of this motion, UMMC requests that the Commission defer the review of MedStar’s applications until the United Network for Organ Sharing implements recently approved organ allocation policies for livers and kidneys. MedStar’s applications and the applicable State Health Plan chapter assume the existence of Donation Service Areas for organ procurement (“DSAs”) that will soon be

obsolete. The liver and kidney allocation policies currently in effect are not compliant with federal regulation, and will soon be replaced with new, recently approved policies. The new policies, once implemented, will allocate livers and kidneys on a larger geographic scale beyond the current, artificial boundary lines of existing DSAs and will prioritize allocation to the most acute adult and pediatric patients. These changes render much of MedStar's analyses of its compliance with the applicable review standards and criteria moot, and undermine MedStar's justification for a new program at MFSMC.

UMMC does not substantively oppose the recent request of MedStar to submit additional data into the record of these reviews, and indeed requests that the Commission require MedStar to update its analyses of its compliance with the applicable State Health Plan chapter and review criteria based on the new organ allocation policies. However, UMMC believes such submissions would be untimely at this stage, and requests that such submissions be made after the new organ allocation policies are implemented and the requested stay, if granted, is lifted.

Respectfully submitted,



Thomas C. Dame
Ella R. Aiken
Hannah L. Perng
Gallagher Evelius & Jones LLP
218 North Charles Street, Suite 400
Baltimore MD 21201
(410) 727-7702
*Attorneys for University of Maryland
Medical Center*

December 16, 2019

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December 2019, a copy of University of Maryland Medical Center's Renewed Motion for stay of Certificate of Need Review was sent:

via email and first-class mail to

Suellen Wideman, Esq.
Assistant Attorney General
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore MD 21215-2299
suellen.wideman@maryland.gov

Conor B. O' Croinin, Esq.
Zuckerman Spaeder LLP
100 E. Pratt Street, Suite 2440
Baltimore MD 21202-1031
cocroinin@zuckerman.com

David C. Tobin, Esq.
Jennifer Concino, Esq.
Tobin, O'Connor & Ewing
5335 Wisconsin Ave. NW Suite 700
Washington DC 20015
dtobin@tobinoconnor.com
jconconcino@tobinoconnor.com

via email to

Jenelle Mayer, MPH
Health Officer
Allegany County
12501 Willowbrook Road SE
P.O. Box 1745
Cumberland, MD 21502
jenelle.mayer@maryland.gov

Nilesh Kalyanaraman, MD
Health Officer
Anne Arundel County
3 Harry S Truman Parkway
Annapolis, MD 21401
hdkaly00@aacounty.org

Gregory Wm. Branch, MD, MBA, CPE
Health Officer & Director, Department of
Health & Human Services
Baltimore County
6401 York Road. 3rd Floor
Baltimore, MD 21212-2130
gbranch@baltimorecountymd.gov

Letitia Dzirasa, MD
Health Commissioner
Baltimore City
1001 E. Fayette Street
Baltimore, MD 21202
letitia.dzirasa@baltimorecity.gov

Laurence Polsky, M.D.
Health Officer
Calvert County
975 Solomons Island Road North
P.O. Box 980
Prince Frederick, MD 20678
laurence.polsky@maryland.gov

Scott LeRoy, MPH, MS
Health Officer
Caroline County
403 S. 7Th Street
P.O. Box 10
Denton, MD 21629
scott.leroy@maryland.gov

Edwin Singer, L.E.H.S.
Health Officer
Carroll County
290 South Center Street
Westminster, MD 21157
ed.singer@maryland.gov

Lauren Levy, JD, MPH
Health Officer
Cecil County
401 Bow Street
Elkton, MD 21921
lauren.levy1@maryland.gov

Roger L. Harrell, MHA
Health Officer
Dorchester County
3 Cedar Street
Cambridge, MD 21613
roger.harrell@maryland.gov

Barbara Brookmyer, MD, MPH
Health Officer
Frederick County
350 Montevue Lane
Frederick, MD 21702
bbrookmyer@frederickcountymd.gov

Robert Stephens, MS
Health Officer
Garrett County
1025 Memorial Drive
Oakland, MD 21550
robert.stephens@maryland.gov

Russell Moy, MD
Health Officer
Harford County
120 S. Hays Street
P.O. Box 797
Bel Air, MD 21014-0797
russell.moy@maryland.gov

Maura Rossman, MD
Health Officer
Howard County
8930 Stanford Blvd.
Columbia, MD 21045
mrossman@howardcountymd.gov

William Webb
Health Officer
Kent County
125 S. Lynchburg Street
P.O. Box 359
Chestertown, MD 21620
william.webb@maryland.gov

Joseph Ciotola, MD
Health Officer
Queen Anne's County
206 N. Commerce Street
Centreville, MD 21617-1118
joseph.ciotolamd@maryland.gov

Meenakshi Brewster, MD, MPH
Health Officer
St. Mary's County
21580 Peabody Street
P.O.Box 316
Leonardtown, MD 20650
meenakshi.brewster@maryland.gov

Lori Brewster, MS, APRN/BC, LCADC
Acting Health Officer
Somerset County
7920 Crisfield Highway
Westover, MD 21817
lori.brewster@maryland.gov

Fredia Wadley, MD
Health Officer
Talbot County
100 S. Hanson Street
Easton, MD 21601
fredia.wadley@maryland.gov

Earl E. Stoner, MPH
Health Officer
Washington County
1302 Pennsylvania Avenue
Hagerstown, MD 21742
earl.stoner@maryland.gov

Lori Brewster, MS, APRN/BC, LCADC
Health Officer
Wicomico County
108 E. Main Street
Salisbury, MD 21801-4994
lori.brewster@maryland.gov

Rebecca Jones, RN, MSN
Health Officer
Worcester County
6040 Public Landing Road
P.O. Box 249
Snow Hill, MD 21863
rjones@maryland.gov



Ella R. Aiken