

Robert E. Moffitt, PhD  
CHAIR

STATE OF MARYLAND



Ben Steffen  
EXECUTIVE DIRECTOR

**MARYLAND HEALTH CARE COMMISSION**

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February 16, 2018

**VIA E-MAIL AND REGULAR MAIL**

James C. Buck, Esquire  
Gallagher, Evelius & Jones, L.L.P.  
218 North Charles Street, Suite 400  
Baltimore, Maryland 21201

**Re: Response to Questions in re the Request for Exemption  
from Certificate of Need Review To Consolidate  
University of Maryland Harford Memorial Hospital  
and University of Maryland Upper Chesapeake Medical  
Center**

Dear Mr. Buck:

Maryland Health Care Commission staff has considered your February 7, 2018 request for additional time to respond to the December 29, 2017 request for additional information and questions concerning the above-referenced exemption from Certificate of Need (“CON”). We are willing to grant this request and will expect responses by March 2, 2018.

I am concerned about the uncertainty with respect to this exemption request and the CON application to establish a special hospital-psychiatric, Docket No. 17-12-2403, that has been introduced by the recent notification that LifeBridge Health intends to acquire Union Hospital (“Union”). As you note in the University of Maryland Upper Chesapeake Health System, Inc. (“UCH”) response to comments of January 25, 2018, UCH “may need to modify certain portions of its CON application” if Union no longer commits to delicense its eleven psychiatric beds in conjunction with implementation of the proposed psychiatric hospital project. If one of the modifications involves a smaller complement of psychiatric beds, UCH may want to reconsider whether maintaining acute inpatient psychiatric services in Harford County would best be achieved by consolidating this service at University of Maryland Upper Chesapeake Medical Center if and when University of Maryland Harford Memorial Hospital is converted to a freestanding medical facility (“FMF”).

As you know, it has been our intention to review both of the UCH requests for exemption from CON and the CON application simultaneously, given their close interrelationship. This is

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clearly the rational way for the Maryland Health Care Commission (“MHCC”) to act on these proposals, given that none of them truly stand on their own. We are ready to proceed with the FMF conversion exemption request and should be ready to review it and the second consolidation exemption request once we receive the UCH response to the request for additional information. It is also time, in our review process, to have a Commissioner/Reviewer consider the requests for interested party status with respect to the psychiatric hospital CON application, following which review of this application can proceed. However, proceeding to final action by MHCC on these three proposed projects without more certainty on potential changes that may be needed in the UCH project plans is a problematic course of action that should be avoided. We respectfully request that UCH make every effort to eliminate this uncertainty and, if necessary, make any project plan changes as soon as possible, so that review of the exemption requests and CON application can proceed based on settled project plans with a clear commitment from all parties involved.

Sincerely,

A handwritten signature in black ink that reads "PE Parker". The letters are stylized and cursive.

Paul E. Parker, Director  
Health Care Facilities Planning & Development

cc: Lyle E. Sheldon, President and CEO, UM Upper Chesapeake Health System  
Stephen Gamatoria, Chief of Staff, Office of the Mayor, City of Havre de Grace  
Joel I. Suldan, Senior VP and General Counsel, LifeBridge Health  
Richard C. Szumel, M.D., President and CEO, Union Hospital  
Ben Steffen, Executive Director, MHCC  
Kevin McDonald, Chief, CON, MHCC  
Susan Wideman, AAG, MHCC  
Russell W. Moy, M.D., Health Officer, Harford County