

December 5, 2025

VIA E-MAIL

Mallory Regenbogen, Esq.
Alison Lutich, Esq.
Gallagher Evelius & Jones LLP
218 N. Charles Street, Suite 400
Baltimore, MD 21201

Re: Ruxton SurgiCenter, LLC – Certificate of Need Application
Establishment of a New Ambulatory Surgical Facility
Matter No. 25-03-2474

Dear Ms. Regenbogen and Lutich:

Upon review of the Ruxton SurgiCenter, LLC's (Ruxton's) application for a Certificate of Need (CON) to the Maryland Health Care Commission (MHCC or the Commission), Commission staff have further clarification questions regarding the responses to the completeness questions submitted on November 3, 2025. Commission staff request written responses and/or additional documentation as follows by December 19, 2025.

Patient Safety

1. As it relates to Ruxton's compliance with American National Standards Institute (ANSI) standards: Ruxton's proposed design complies with the 2018 Facility Guidelines Institute (FGI) for Outpatient Facilities and applicable ANSI standards. The relevant State Health Plan (SHP) standard requires Ruxton to comply with the design requirements (and patient safety features) that are consistent with the *current* FGI Guidelines. The current FGI Guidelines are from 2022. Confirm that the applicant will modify its design, as necessary, to be consistent with the 2022 Guidelines.
2. **The Commission does not have sufficient information to assess the availability of resources necessary to implement the project.** The Commission requires one of the following:

As previously requested: the applicant is required to submit one of the following forms of documentation to substantiate financial feasibility:

- a. Audited financial statement.
- b. Letter signed by an independent CPA that details the financial information considered to conclude that adequate funds are available for this project.

Alternatively, the applicant can provide all three of the documentation below:

- c. Financial information (i.e., a CPA letter or audited financials) for the past two years from direct and indirect owners to attest to the financial condition of the entities and availability of the equity contribution.
- d. A letter of credit from direct and indirect owners from a prospective bank toward the debt financing involved in the project to provide credit support to the applicant.
- e. A written copy of the lease or intent to lease that includes the lease terms and articulates the rent amount, payment schedule, duration, renewal terms, tenant improvements, and maintenance responsibilities—to document the financial obligations between the tenant and landlord.

Please note that failure to provide documentation may result in MHCC dismissing the application as incomplete.

4. In Exhibit 16 - Revised MHCC tables, the Project Budget (Table E) under Source of Funds (Section B) shows a revised cash line item of \$1,435,101 which is a 300% increase from the initial cash funding of \$351,632 reported in the initial CON Table E.
 - Explain the reason and assumptions behind this revision.
 - Explain why the debt financing component of the project remains \$15,163,225 despite the increase in the equity component.
 - Submit documentation to support the revised amount of funds available for this project.

10.24.01.08G(3)(g) – Health Equity

5. What percentage of the Ruxton’s patients served (e.g., in CY 2024 or CY 2023) were referred through the UM SJMC St. Clare Medical Outreach Program?
6. In response to Clarification Question 45, the applicant acknowledges that Medicaid beneficiaries face limited access to outpatient orthopedic care. Specify the strategies that will be implemented to expand access or increase awareness of Ruxton’s services to Medicaid beneficiaries.
7. Detail the transportation assistance that Ruxton provides and will provide.

Please submit four copies of the responses to this request for additional information within 10 business days of receipt. Also submit the response electronically, in both Word and PDF format, to Deanna Dunn and MHCC to the following email addresses deanna.dunn4@maryland.gov and mhcc.confilings@maryland.gov. If additional time is needed to prepare a response, please let me know at your earliest convenience.



Mallory Regenbogen, Esq.
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December 5, 2025
Page 3

As with the request itself, all information supplementing the request must be signed by person(s) available for cross-examination on the facts set forth in the supplementary information, who shall sign a statement as follows: "I hereby declare and affirm under the penalties of perjury that the facts stated in this application and its attachments are true and correct to the best of my knowledge, information, and belief."

If you have any questions regarding this matter, feel free to contact me at (410)764-5596 or amani.miles1@maryland.gov.

Sincerely,

Amani Miles

Amani Miles
Program Manager

cc: Lucy Wilson, MD, Baltimore County Health Officer
Wynee Hawk, Director, Center for Health Care Facilities Planning and Development, MHCC
Ewurama Shaw-Taylor, Chief, Certificate of Need, MHCC
Vishal Mundlye, Health Planning and Financial Analyst, MHCC
Alexa Bertinelli, Assistant Attorney General, MHCC
Caitlin Tepe, Assistant Attorney General, MHCC
Deanna Dunn, Health Care Facilities Coordinator, MHCC

