

June 13, 2018

VIA EMAIL AND U.S. MAIL

Ben Steffen  
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Executive Director  
Maryland Health Care Commission  
4160 Patterson Avenue  
Baltimore, Maryland 21215-2299

*Re: Petition for Amendment of State Health Plan for Facilities and Services:  
Overview, Psychiatric Services, and Emergency Services  
(COMAR 10.24.07)*

Dear Mr. Steffen:

On behalf of University of Maryland Medical Center (“UMMC”), we write to request that the Maryland Health Care Commission amend the State Health Plan for Facilities and Services: Overview, Psychiatric Services, and Emergency Services (COMAR 10.24.07), for the reasons discussed below.

UMMC intends to submit an application for Certificate of Need (“CON”) to add adolescent inpatient psychiatric services to the existing inpatient psychiatric services in the hospital. Currently, UMMC provides inpatient psychiatric services for children and adults, including geriatric services. The proposed project would simply add an age cohort (ages 13-17) to the service offerings at UMMC. As explained in UMMC’s letter of intent submitted on June 1, 2018, UMMC intends to establish adolescent services as part of a “flex unit” with its pediatric inpatient psychiatric services. The unit will separate pediatric patients from adolescents, but it will allow the hospital to flexibly address the demand for services in each age cohort. It is expected that the project will involve as many as eight (8) pediatric beds and eight (8) adolescent beds at any given time. However, in light of other service reconfigurations, UMMC does not expect to seek approval for a net overall increase in physical beds for inpatient psychiatric services.

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Presently, there is a dire need for inpatient psychiatric services for adolescents in the Baltimore region. UMMC has experienced great difficulty locating inpatient beds for adolescent patients who present for inpatient psychiatric treatment at UMMC. Unfortunately, these patients often remain in the emergency department for a number of days until a bed is available for needed treatment. UMMC desires to rectify this situation as soon as possible.

As you know, the psychiatric services chapter of the State Health Plan, COMAR 10.24.07, has not been updated in several decades and portions of the chapter are now obsolete or otherwise unworkable. Maryland statutory law does not mandate the Maryland Health Care Commission to require a CON to add adolescent services to an existing inpatient psychiatric service. Section 19-120(j)(1) of the Health-General Article of the Maryland Code states that a CON is required before the type or scope of any health care service offered by a health care facility is changed. "Health care service" is defined to include a "medical service," which in turn is defined to include "psychiatry." Md. Code Ann., Health-Gen. §19-120(a)(3) and (a)(5). Notably, the General Assembly did not define "medical service" to be the separate age cohorts of service within psychiatry. Although there is no statutory requirement to obtain a CON to add a new age cohort within a medical service, Standard AP 4a of COMAR 10.24.07 imposes this requirement for inpatient psychiatry.

UMMC respectfully requests that the Commission amend COMAR 10.24.01(AP 4a) to include the underlined language below:

A Certificate of Need for child, adolescent or adult acute psychiatric beds shall be issued separately for each age category. Conversion of psychiatric beds from one of these services to another shall require a separate Certificate of Need. However, a hospital with existing child psychiatric beds may add an adolescent service without a Certificate of Need.

This modest change will allow UMMC and other hospitals that provide inpatient child psychiatric services to add inpatient adolescent psychiatric services without a CON, provided the project does not increase the total number of beds or exceed the capital

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expenditure threshold. Given that UMMC already provides services for all other age cohorts, and in light of the urgent need for adolescent services, the proposed amendment is in the interests of the health and well-being of adolescent Maryland residents requiring psychiatric care.

Thank you for your consideration of our request.

Respectfully submitted,



Thomas C. Dame



Ella R. Aiken

cc: Paul Parker, Director, Center for Health Care Planning & Development  
Eileen Fleck, Chief, Acute Care Policy and Planning  
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