

MARYLAND HEALTH CARE COMMISSION

Certificate of Need

TO: Aharon Kibel, Chief Operating Officer
Amatus Health, LLC
10461 Mill Run Circle, Suite 810
Owings Mills, MD 21117

June 12, 2025
(Date)

RE: Foundations Inpatient, LLC
Establish 40 bed Level 3.7
Medically Managed Residential
Program in Windsor Mill, Maryland

24-03-2471
(Docket No.)

PROJECT DESCRIPTION

This Certificate of Need (CON) authorizes Foundations Inpatient, LLC (Foundations) to establish a new Track One Intermediate Care Facility (ICF) in Windsor Mill, Baltimore County. The proposed program will operate a 40 ASAM Level 3.7 bed Medically Managed Residential program for adults at 7131 Rutherford Road.

The total project cost to renovate this space is \$753,348, with \$150,000 for the cost of renovations to the building, \$20,000 in fixed equipment, \$30,000 in marketing expenses, \$60,000 in consulting/legal/licensing expenses, and \$493,348 in start-up costs. The applicant will finance the entire cost of this project with cash.

ORDER

The Maryland Health Care Commission reviewed the Staff Report and Recommendation and, based on that analysis and the record in the review, ordered on June 12, 2025 that a CON filed by Foundations Inpatient, LLC, to establish a new Track One Intermediate Care Facility with 40 beds for a Level 3.7 Medically Managed Residential Program, at 7131 Rutherford Road in Windsor Mill, Maryland, at a total cost of \$753,348 is hereby approved with the following conditions:

1. Foundations Inpatient, LLC shall document the provision of a minimum of 15 percent of patient days to indigent and gray area patients, as defined at COMAR 10.24.14.08B(9) and (11), by submitting annual reports auditing its total days and the provision of days to indigent and gray area patients as a percentage of total days. Such audit reports shall be submitted to the Commission each July 1st following the issuance of First Use Approval and continuing for five years thereafter. [COMAR 10.24.14.05D(1)(c)];
2. Foundations Inpatient, LLC shall provide to the Commission a final document outlining the estimated costs for services and the range and types of services that

will be posted at registration areas and available upon request to prospective patients prior to First Use Approval. [COMAR 10.24.14.05E];

3. Foundations Inpatient, LLC must receive preliminary accreditation for the Level 3.7 services it will provide by an accrediting body approved by the Maryland Department of Health prior to First Use Approval by the Commission. [COMAR 10.24.14.05H];
4. Foundations Inpatient, LLC shall notify the Commission and the Behavioral Health Administration, in writing, within 15 days after it receives notice that its accreditation has been revoked or suspended for reasons related to health or safety or should it lose its State license. If its accreditation has been revoked or suspended or it loses its State license, Foundations Inpatient, LLC shall cease operation until the Behavioral Health Administration notifies the Commission that the deficiencies have been corrected. [COMAR 10.24.14.05H];
5. Foundations Inpatient, LLC shall document referral agreements, prior to First Use Approval by the Commission, in the form of letters of agreement or acknowledgement from acute care hospitals, local community mental health centers, Baltimore County's mental health and alcohol and drug abuse authorities, Behavioral Health Administration, and Baltimore County agencies that provide prevention, education, driving-while-intoxicated programs, and family counseling. [COMAR 10.24.14.05J]. The referral agreements must indicate referral of indigent or gray area populations to Foundations Inpatient, LLC. [COMAR 10.24.14.05K];
6. If Foundations Inpatient, LLC seeks to add additional intermediate care beds to its facility, it shall provide the Commission with evidence that it has appropriate staffing levels and bed and bathroom configurations that afford patient privacy and safety; and
7. Foundations Inpatient, LLC shall provide an annual report that includes patient demographics for all patients, program completion rates, and the percentage of patients that: (1) were underhoused upon admission and connected to housing resources; (2) were underinsured upon admission and assisted with applying for insurance; and (3) received a warm hand-off to lower levels of care. The reports shall be submitted to the Commission each July 1st following the issuance of First Use Approval and continuing for five years thereafter.

PERFORMANCE REQUIREMENTS

In accordance with COMAR 10.24.01.12C(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 CON;
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 CON application approved by the Commission, Foundations Inpatient, LLC, 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 CON, in accordance with COMAR 10.24.01.17. Pursuant to COMAR 10.24.01.17B(2), the project cannot incur capital cost increases that exceed the approved capital cost, inflated by an amount determined by applying the Engineering News Record Building Cost Index published on a quarterly basis by Global Insight in *Health-Care Cost Review*, unless it obtains a modification of this CON from the Commission. Instructions for determining the threshold that necessitates Commission review and approval of changes to the capital cost approved in this CON are located on the Commission's website: https://mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_con/documents/con_cap_cost_index_mod_2nd_qtr_102024.pdf.

DESIGN APPROVAL AND FACILITIES LICENSURE BY MDH

This CON does not constitute a license or replace any approvals required by the Behavioral Health Administration (BHA) or others within the Maryland Department of Health (MDH). Foundations Inpatient, LLC, must provide BHA and MDH with all information required for plan approval and facility licensure, including information pertaining to project design and specifications required for an intermediate care facility.

SEMI-ANNUAL STATUS REPORTS

Foundations Inpatient, LLC, must submit semi-annual status reports to the Commission, beginning October 29, 2025, 45 days before the six-month anniversary of the awarding of this CON, and continuing, at six-month intervals, until the completion of the project.

REQUEST FOR FIRST USE REVIEW

Foundations Inpatient, LLC, must request a first use review of the Track One Intermediate Care Facility from the Commission and BHA, including providing proof of Medicare certification.

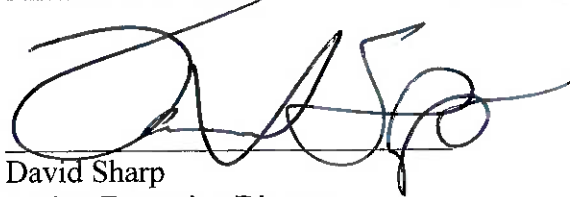
Such request must be in writing, must specify the anticipated date of first use, and must be received not less than 60 days but not more than 120 days before the first use.

The Commission will review the request in consultation with BHA, as provided in COMAR 10.24.01.18, to determine whether the project conforms to this CON. First use approval does not constitute a license or replace any approvals required by BHA or others within MDH to operate a health care facility. Therefore, Foundations Inpatient, LLC should assure that BHA is notified of the imminent completion of the project and should arrange for completion of any inspections and or approvals required by BHA in a timely manner. First Use Approval remains in effect for 90 days. If first use of the new Track One Intermediate Care Facility with 40 beds for a Level 3.7 Medically Managed Residential Program does not occur within 90 days of approval, Foundations Inpatient, LLC, shall reapply for first use approval.

ACKNOWLEDGEMENT OF RECEIPT OF CERTIFICATE OF NEED

Acknowledgement of your receipt of this CON, stating acceptance of its terms and conditions, is required within thirty (30) days.

MARYLAND HEALTH CARE COMMISSION

A handwritten signature in black ink, appearing to read 'D. Sharp', is written over a horizontal line.

David Sharp
Acting Executive Director

cc: Baruch Rabhan, MBM Ventures, LLC
Alyssa S. Lord, Deputy Secretary, Behavioral Health Administration
Wynee Hawk, Director, Center for Health Care Facilities Planning and Development, MHCC
Ewurama Shaw-Taylor, Chief, Certificate of Need, MHCC
Alexa Bertinelli, Assistant Attorney General, MHCC
Caitlin Tepe, Assistant Attorney General, MHCC
Maira Lawson, Program Manager, MHCC
Della Liester, Health Officer, Baltimore County Department of Health