



Department of Health and Human Services
Commissioner's Office
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June 12, 2012

Ken Bowden
First Atlantic Healthcare
222 St. Johns Street
Portland, ME 04102

RE: Emergency Certificate of Need

Dear Mr. Bowden:

This letter will serve as notification that, on this date, I have determined that an Emergency exist regarding the impending closure of Atlantic Healthcare and Rehab & Nursing. I have decided to **grant** a Certificate of Need (CON) that authorizes Marshall Healthcare & Rehab to increase their bed complement up to 60 nursing facility beds. The total approved capital expenditure associated with this project is \$100,000. Any costs exceeding that amount will require a subsequent review.

My approval is conditioned on Marshall Healthcare & Rehab implementing the following:

1. This Emergency CON will expire no later than 12/31/2012.
2. Complete and File a regular Certificate of Need Application for the conversion of all Residential Care Beds into Nursing Facility Beds by activating their reserved beds within 6 months of the approval of this Emergency Certificate of Need.
3. Any increase nursing facility beds that are for residents of Atlantic Rehab and Nursing. As determined by the census dated 06/10/2012 who have indicated their willingness to transfer in writing to Marshall Healthcare & Rehab from Atlantic Rehab & Nursing.

In order for this CON to remain valid, the applicant must adhere to the conditions set forth above and maintain communication with the Division of Licensing and Regulatory Services regarding the actions approved herein.

I am granting this CON because I have determined that the project meets the criteria set forth in the CON Act Sec. 334-A(2-B) and the Department's regulations. The specific details of the project for which I have granted this CON are contained in the record.

Please be aware that in accordance with Section 346 of the Maine Certificate of Need Act this Certificate, as modified herein, is valid only for the stated scope, premises and facility named in the above referenced application and is not transferable or assignable.

Furthermore, it should be clearly understood that our analysis and findings regarding the need for the proposed project as well as its financial and economic feasibility have been predicated on the application record as described in the Manual, Chapter 8, Subsection 5. Consequently, the proposal must be implemented consistent with the approval stated in this letter, as informed and clarified by the Department's analysis and findings as summarized in the following Department staff reports:

1. FINAL REVIEW: Briefing memo to Mary C. Mayhew, Commissioner, DHHS, dated June 12, 2012.

No significant changes to the project, no variations from the projected operating costs, no modifications of the terms of financing the project, and no increase in the capital expenditures to be made are permitted without the prior written approval of the Department. Any such variances may result in either the disallowance of related expenses, financial penalties or the immediate revocation of the CON.

Please work closely with my staff in the CONU to assure this project is implemented in accordance with the provisions of this Certificate and applicable rules and regulations. As part of this requirement, you are reminded that, prior to any construction, the appropriate licensing and certification and State Fire Marshal officials must approve all working drawings and construction specifications.

The law requires that a holder of a CON make a written report at the end of each six-month period following its issuance. Details regarding this and related requirements will be made the subject of a separate letter from the CONU.

My staff will work with you as necessary.

Sincerely,

Mary C. Mayhew
Commissioner, DHHS

cc: Kenneth Albert, Director
Phyllis Powell, Assistant Director
Larry Carbonneau, Manager
Herb Downs, Audit
Janine Raquet, AAG
file