



# COMMONWEALTH of VIRGINIA

## Department of Health

M. NORMAN OLIVER, MD, MA  
STATE HEALTH COMMISSIONER

PO BOX 2448  
RICHMOND, VA 23218

TTY 7-1-1 OR  
1-800-828-1120

March 11, 2021

### By Email

Matthew D. Jenkins, Esq.  
Hunton Andrews Kurth  
951 East Byrd Street  
Richmond, Virginia 23219-4074

**RE: CERTIFICATE OF PUBLIC NEED (COPN) REQUEST NUMBER VA-8520  
Maryview Hospital LLC d/b/a Bon Secours Maryview Medical Center, and Bon  
Secours - DePaul Medical Center LLC City of Suffolk, Planning District (PD) 20  
Health Planning Region (HPR) V Introduce intermediate level neonatal services,  
introduce intensive care services, and expand medical/surgical bed capacity at Bon  
Secours Harbour View Hospital (increasing the overall approved facility bed  
complement from 18 beds to 54 beds)**

Dear Mr. Jenkins:

In accordance with Article 1.1 of Chapter 4 of Title 32.1 (§ 32.1-102.1 *et seq.*) of the Code of Virginia (the "COPN law"), I have reviewed the application submitted proposing the above-captioned proposed project. As required by Subsection B of Virginia Code § 32.1-102.3, I have considered all matters, listed therein, that must be taken into account in making a determination of public need.

I have reviewed and adopted the enclosed findings, conclusions, and recommended decision of the adjudication officer who convened the informal fact-finding conference to discuss the proposed project and who reviewed the administrative record pertaining to the project.

**Based on my review of the proposed project and on the recommended decision of the adjudication officer, I am denying the project. The project does not merit approval and will not receive a Certificate. It is not necessary to meet a public need.**

The reasons for my decision include the following:

- (i) The proposed project is not consistent with the State Medical Facilities Plan, not in harmony or in general agreement with that plan or with the public policies, interests and purposes to which that plan and the COPN law are dedicated;

Matthew D. Jenkins, Esq.

March 11, 2021

Page 2 of 3

- (ii) The existing overall system of health care services in PD 20 would be negatively affected by approval of the project;
- (iii) Opposition to the project exists;
- (iv) An alternative to the project, viz., maintenance of the status quo, exists and is superior;
- (v) The project would unnecessarily duplicate health care resources in PD 20, and residents of northern Suffolk are well served by existing hospital resources; and
- (vi) The project would dramatically extend and alter the scope, size and purpose of an approved but undeveloped hospital, before that hospital has even generated utilization data.

In accordance with Rule 2A:2 of the Rules of the Supreme Court of Virginia, any aggrieved party to an administrative proceeding choosing to appeal a case decision shall file, within 30 days after service of the case decision, a signed notice of appeal with “the agency secretary.” Such a notice would be sufficiently filed if it is addressed and sent to the Office of the State Health Commissioner, and timely received by this office, at the James Madison Building, Thirteenth Floor, 109 Governor Street, Richmond, Virginia 23219.

Sincerely,

DocuSigned by:

*M. Norman Oliver, MD*

E9885CE3DE124C6...

M. Norman Oliver, MD, MA  
State Health Commissioner

Enclosure

cc (via email): Demetria Lindsay, MD, Director, Norfolk Health District  
Lauren James, MD, Director, Western Tidewater Health District  
Vanessa MacLeod Esq., Assistant Attorney General  
Erik O. Bodin, III, Director, Division of Certificate of Public Need  
Douglas R. Harris, JD, Adjudication Officer