

2017 Home Health Agency Certificate of Need (CON) Review:

Multi-Jurisdictional Regions, Types of Applicants, Qualifications for Accepting a CON Application, and Qualifying Maryland Applicants

Multi-Jurisdictional Regions

Pursuant to the Home Health Agency (HHA) Chapter of the State Health Plan (COMAR 10.24.16.04), 15 jurisdictions qualify as having a need for additional HHA services. In accordance with COMAR 10.24.16.05, the Maryland Health Care Commission (Commission) may create the opportunity for the submission of CON applications for proposed development of new HHAs or expansion of existing HHAs into regional service areas composed of two or more contiguous jurisdictions. For the 2017 CON review of HHA projects, the Commission will use the following regional configuration of the 15 jurisdictions (refer to *Maryland Register*, published November 14, 2016):

Western Maryland: Allegany, Frederick, Garrett, and Washington Counties

Upper Eastern Shore: Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties

Lower Eastern Shore: Dorchester, Somerset, Wicomico, and Worcester Counties

Southern Maryland: Calvert and St. Mary's Counties

Types of Applicants

Pursuant to the Home Health Agency Chapter of the State Health Plan (COMAR 10.24.16.06B), an applicant shall apply as one of three types of applicants:

- Existing Medicare-certified HHA licensed in Maryland and proposing to add one or more jurisdictions to its authorized service area;
- Existing Medicare-certified HHA licensed in another state and proposing to establish a new HHA in Maryland; or
- Non-HHA service providers currently licensed and accredited, in good standing, as a hospital, a nursing home or a Maryland residential service agency (RSA) providing skilled nursing services, and proposing to establish a new HHA in Maryland.

Qualifications for All Applicants

The Commission will only accept a CON application submitted by an applicant that can document that it qualifies as an applicant, in conformance with COMAR 10.24.16.06C.

Performance-Related Qualifications by Type of Applicant

Pursuant to COMAR 10.24.16.06D and COMAR 10.24.16.07, quality measures and performance thresholds were approved by the Commission at its October 20, 2016 meeting to be used for the 2017 CON review schedule of proposed HHA projects. Performance-related qualifications necessary for accepting an application will vary by type of applicant as described in COMAR 10.24.16.07B-D. An applicant's performance will be determined based on the data publicly reported on the applicable CMS Compare websites (refer to Appendix A). Performance-related qualifications by type of applicant are summarized below.

Medicare-Certified HHA Applicants may qualify to apply for a CON by achieving each of the following performance levels from the July 2016 CMS dataset:

- 1) Experience of care summary star rating equal to or better than 3 stars;
- 2) Quality of care summary star rating equal to or better than 3.5 stars;
- 3) Scoring equal to or better than the Maryland State average on six of these 11 quality of care measures selected from Home Health Compare for this 2017 CON review cycle:

- How often patients got better at walking or moving around;
- How often patients got better at getting in and out of bed;
- How often patients got better at bathing;
- How often patients had less pain when moving around;
- How often patients' breathing improved;
- How often patients got better at taking their drugs correctly by mouth;
- How often the team taught patients (or family caregivers) about their drugs;
- How often the team began their patients' care in a timely manner;
- How often the team determined if patients received a flu shot for the current season;
- How often patients had to be admitted to the hospital; and
- How often patients needed urgent, unplanned care in the ER without being admitted; and

- 4) Scoring equal to or better than the Maryland State average on three of the five experience of care measures from HHCAHPS® listed below:

- Percent of patients who reported that their home health team gave care in a professional way;
 - Percent of patients who reported that their home health team communicated well with them;
 - Percent of patients who reported the home health team discussed medicines, pain, and home safety with them;
 - Percent of patients who gave their home health agency a rating of 9 or 10 on a scale from 0 (lowest) to 10 (highest); and
- Percent of patients who reported YES, they would definitely recommend the HHA.

The same quality measures apply to both Maryland and non-Maryland HHAs. Consistent with COMAR 10.24.16.07B, a Maryland HHA applicant seeking to expand its authority to a jurisdiction it is not currently authorized to serve, must demonstrate that its existing Maryland HHA has achieved the required performance levels. Consistent with COMAR 10.24.16.07C, a non-Maryland HHA applicant that has any common ownership with a Medicare-certified HHA in a state other than Maryland seeking to establish a new HHA in Maryland, must demonstrate that it has achieved the required performance levels, on average, for all the non-Maryland HHAs with which it has any common ownership.

Hospital Applicants may qualify to apply for a CON to establish an HHA in Maryland by achieving a performance level of 3.0 or higher on the CMS experience of care summary star rating from HCAHPS® for at least the three most recent years of operation. The same minimum CMS star ratings reported on Hospital Compare are used for Maryland and non-Maryland hospital applicants. As provided in COMAR 10.24.16.07D(2), a Maryland hospital applicant with no HHA experience must demonstrate that it (and any other hospitals with which it has any common ownership) has achieved the minimum CMS hospital experience of care summary star rating of 3.0 for the three most recent years of operation. Consistent with COMAR 10.24.16.07D(3), a hospital applicant that only operates a hospital (or hospitals) in states other than Maryland must demonstrate that it has, for at least the three most recent years of operation, on average, achieved the minimum 3.0 CMS star rating for all the hospitals with which it has any common ownership. Hospital applicants must submit data to the Maryland Health Care Commission to document that they have achieved the required quality measures and performance levels. Data requirements are outlined in Appendix B.

Nursing Home Applicants may qualify to apply for a CON to establish an HHA in Maryland by achieving a performance level of 3.0 or higher on the CMS nursing home summary star rating that is a composite rating calculated from the health inspections, staffing, quality measures and overall summary star rating. The same minimum CMS star ratings reported on Nursing Home Compare are used for Maryland and non-Maryland nursing home applicants. Consistent with COMAR 10.24.16.07D(4), a Maryland nursing home applicant must demonstrate that it (and any nursing homes with which it has any common ownership) has achieved the minimum 3.0 nursing home summary star rating for the three most recent years of operation. Consistent with COMAR 10.24.16.07D(5), a nursing home applicant that only operates a nursing home or nursing homes in states other than Maryland must demonstrate that it has, for at least the three most recent years of operation, on average, achieved the minimum CMS star rating for all the nursing homes with which it has any common ownership. Nursing home applicants must submit data to the Maryland Health Care Commission to document that they have achieved the required quality measures and performance levels. Data requirements are outlined in Appendix C.

Maryland Residential Service Agency (RSA) Applicants may qualify to apply for a CON to establish an HHA in Maryland by demonstrating a track record in providing good quality of care. This is achieved by documenting it has operated and provided skilled nursing services for at least three years, has established a system for collecting data that includes systematic collection of process, outcome and experience of care measures, and has maintained accreditation through a deeming authority recognized by Maryland's Department of Health and Mental Hygiene for at least the three most recent years of operation, consistent with COMAR 10.24.16.07D(1). RSA applicants must submit data to the Commission to document ability to monitor the required quality measures and performance levels. Data requirements are outlined in Appendix D.

Qualifying Applicants

Using the July 2016 CMS Home Health Compare dataset (refer to Appendix A), **18 Maryland Medicare-certified HHAs** meet the required performance levels and qualify to apply for a CON to expand the agency's current authorization for the 2017 CON review cycle. Refer to Table 1 for a list of qualifying Maryland HHAs.

Using the May 2016 CMS Hospital experience of care (HCAHPS®) dataset (refer to Appendix A), **27 Maryland hospitals** meet or exceed the required minimum 3.0 star summary rating and qualify to apply for a CON to establish an HHA for the 2017 CON review cycle. Refer to Table 2 for a list of qualifying Maryland hospitals.

Using the June 9, 2016 CMS Nursing Home summary star rating dataset (refer to Appendix A), **151 Maryland nursing homes** meet or exceed the required minimum 3.0 star summary rating and qualify to apply for a CON to establish an HHA for the 2017 CON review cycle. Refer to Table 3 for a list of qualifying Maryland nursing homes.

Table 1

The following 18 Maryland Medicare-certified home health agencies have met the performance requirements for the 2017 CON review cycle (described on page 2) and may be eligible to apply for a CON to expand their authorized service area, if they also meet the other qualifications for all applicants (COMAR 10.24.16.06C).

Table 1: Qualifying Maryland Home Health Agencies

ADVENTIST HOME HEALTH SERVICES
AMEDISYS HOME HEALTH (Westminster)
AMEDISYS HOME HEALTH (Salisbury)
AMEDISYS HOME HEALTH OF BALTIMORE
AMEDISYS HOME HEALTH OF MARYLAND
BAYADA HOME HEALTH (Montgomery)
CHESTER RIVER HOME CARE
HEALTHSOUTH CHESAPEAKE REHAB HOME HEALTH (ENCOMPASS)
HOLY CROSS HOME CARE AND HOSPICE
HOMECALL - WESTMINSTER
HOMECALL OF BALTIMORE
HOMECENTRIS (MARYLAND HOME HEALTH, LLC)
LUTHERAN HOME CARE & HOSPICE, INC
OAK CREST VILLAGE
POTOMAC HOME HEALTH CARE
RIDERWOOD, INC
VISITING NURSE ASSOCIATION OF MD
WESTERN MARYLAND HEALTH SYSTEM HOME CARE

Table 2

The following 27 Maryland hospitals have met the performance requirements for the 2017 CON review cycle (described on page 3) and may be eligible to apply for a CON to establish a Maryland HHA if they also meet the other qualifications for all applicants (COMAR 10.24.16.06C).

Table 2: Qualifying Maryland Hospitals

ADVENTIST HEALTHCARE WASHINGTON ADVENTIST HOSPITAL
ANNE ARUNDEL MEDICAL CENTER
ATLANTIC GENERAL HOSPITAL
CALVERT MEMORIAL HOSPITAL
CARROLL HOSPITAL CENTER
FREDERICK MEMORIAL HOSPITAL
GARRETT COUNTY MEMORIAL HOSPITAL
GREATER BALTIMORE MEDICAL CENTER
HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS BAYVIEW MEDICAL CENTER
JOHNS HOPKINS HOSPITAL, THE
MEDSTAR GOOD SAMARITAN HOSPITAL
MEDSTAR HARBOR HOSPITAL
MEDSTAR SAINT MARY'S HOSPITAL
MEDSTAR UNION MEMORIAL HOSPITAL
MERCY MEDICAL CENTER INC
MERITUS MEDICAL CENTER
PENINSULA REGIONAL MEDICAL CENTER
SINAI HOSPITAL OF BALTIMORE
SUBURBAN HOSPITAL
UNION HOSPITAL OF CECIL COUNTY
UNIVERSITY OF MARYLAND HARFORD MEMORIAL HOSPITAL
UNIVERSITY OF MARYLAND MEDICAL CENTER
UNIVERSITY OF MARYLAND ST JOSEPH MEDICAL CENTER
UNIVERSITY OF MARYLAND SHORE MEDICAL CENTER AT EASTON
UNIVERSITY OF MARYLAND SHORE MEDICAL CENTER AT CHESTERTOWN
WESTERN MARYLAND REGIONAL MEDICAL CENTER

Table 3

The following 151 Maryland nursing homes have met the performance requirements for the 2017 CON review cycle (described on page 3) and may be eligible to apply for a CON to establish a Maryland HHA if they also meet the other qualifications for all applicants (COMAR 10.24.16.06C).

Table 3: Qualifying Maryland Nursing Homes

ALLEGANY HEALTH NURSING AND REHABILITATION
ALTHEA WOODLAND NURSING HOME
ARCOLA HEALTH AND REHABILITATION CENTER
ASBURY SOLOMONS ISLAND
AUGSBURG LUTHERAN HOME
BAY RIDGE HEALTH CARE CENTER
BAYLEIGH CHASE INC
BEDFORD COURT HEALTHCARE CENT.
BEL AIR HEALTH AND REHABILITATION CENTER
BEL PRE HEALTH AND REHABILITATION CENTER
BERLIN NURSING AND REHABILITATION CENTER
BRIGHTON GARDEN TUCKERMAN LANE
BRINTON WOODS NURSING AND REHABILITATION CENTER
BRINTON WOODS POST ACUTE CARE CENTER
BROADMEAD
BROOKE GROVE REHABILITATION AND NURSING CENTER
BUCKINGHAM'S CHOICE
CALVERT COUNTY NURSING CENTER
CALVERT MANOR HEALTH CARE CENTER
CALVERT MEMORIAL HOSPITAL TRANSITIONAL CARE UNIT
CAROLINE NURSING AND REHABILITATION CENTER, LLC
CARRIAGE HILL BETHESDA
CHARLESTOWN COMMUNITY INC
CHARLOTTE HALL VETERANS HOME
CHERRY LANE
CHESAPEAKE SHORES
CHESAPEAKE WOODS CENTER
CHESTNUT GREEN HEALTH CENTER BLAKEHURST
CITIZENS CARE CENTER
COFFMAN NURSING HOME
COLLINGSWOOD NURSING AND REHABILITATION CENTER
COLLINGTON EPISCOPAL LIFE CARE
COPPER RIDGE
CORSICA HILLS CENTER
COURTLAND, LLC

CRAWFORD RETREAT
CRESCENT CITIES CENTER
CROFTON CONVALESCENT CENTER
DEER'S HEAD CENTER
DENNETT ROAD MANOR
DOCTORS COMMUNITY REHABILITATION AND PATIENT CARE
EGLE NURSING HOME
ENCORE AT TURF VALLEY
FAHRNEY-KEEDY MEMORIAL HOME
FAIRHAVEN, INC.
FAYETTE HEALTH AND REHABILITATION CENTER
FOREST HAVEN NURSING HOME
FOREST HILL HEALTH AND REHABILITATION CENTER
FORESTVILLE HEALTH AND REHABILITATION CENTER
FORT WASHINGTON HEALTH AND REHABILITATION CENTER
FOX CHASE REHABILITATION AND NURSING CENTER
FRANKLIN WOODS CENTER
FREDERICK VILLA NURSING AND REHABILITATION CENTER
FRIENDS NURSING HOME
FUTURE CARE CANTON HARBOR
FUTURE CARE CHARLES VILLAGE, LLC
FUTURE CARE CHERRYWOOD
FUTURE CARE HOMEWOOD
FUTURE CARE IRVINGTON
FUTURE CARE NORTHPOINT
FUTURE CARE OLD COURT
FUTURE CARE SANDTOWN-WINCHESTER
GARRETT COUNTY SUBACUTE UNIT
GINGER COVE
GLADE VALLEY CENTER
GLEN BURNIE HEALTH AND REHABILITATION CENTER
GLEN MEADOWS RETIREMENT COM.
GOLDEN LIVING CENTER-HAGERSTOWN
GOOD SAMARITAN NURSING CENTER
GREATER BALTIMORE MEDICAL CENTER SUB ACUTE UNIT
HAMMONDS LANE CENTER
HEBREW HOME OF GREATER WASHINGTON
HERON POINT OF CHESTERTOWN
HILLHAVEN NURSING CENTER
HOMEWOOD AT CRUMLAND FARMS
HOMEWOOD AT WILLIAMSPORT MD
INGLESIDE AT KING FARM
LA PLATA CENTER

LEVINDALE HEBREW GERIATRIC CENTER AND HOSPITAL
LITTLE SISTERS OF THE POOR
LOCHEARN NURSING HOME, LLC
LONGVIEW HEALTHCARE CENTER, LLC
LORIEN BULLE ROCK
LORIEN HEALTH SYSTEMS - COLUMBIA
LORIEN HEALTH SYSTEMS - RIVERSIDE
LORIEN HEALTH SYSTEMS MT AIRY
LORIEN MAYS CHAPEL
LORIEN NURSING AND REHABILITATION CENTER BELAIR
LORIEN TANEYTOWN, INC
MANORCARE HEALTH SERVICES - CHEVY CHASE
MANORCARE HEALTH SERVICES - HYATTSVILLE
MANORCARE HEALTH SERVICES - LARGO
MANORCARE HEALTH SERVICES - WHEATON
MANORCARE HEALTH SERVICES - BETHESDA
MANORCARE HEALTH SERVICES - POTOMAC
MANORCARE HEALTH SERVICES -SILVER SPRING
MANORCARE HEALTH SERVICES -TOWSON
MANORCARE HEALTH SYSTEM - ADELPHI
MAPLEWOOD PARK PLACE
MARIA HEALTH CARE CENTER, INC.
MARLEY NECK HEALTH AND REHABILITATION CENTER
MARYLAND BAPTIST AGED HOME
MARYLAND MASONIC HOMES
MEDSTAR SOUTHERN MARYLAND HOSPITAL CENTER
MULTI-MEDICAL CENTER
NATIONAL LUTHERAN HOME
NORTH OAKS
NORTHAMPTON MANOR NURSING AND REHABILITATION CENTER
NORTHWEST HOSPITAL CENTER SUBACUTE UNIT
OAK CREST VILLAGE
OAKLAND NURSING AND REHABILITATION CENTER
OAKVIEW REHABILITATION AND NURSING CENTER
OAKWOOD CARE CENTER
PATUXENT RIVER HEALTH AND REHABILITATION CENTER
PERRING PARKWAY CENTER
PICKERSGILL RETIREMENT COMMUNITY
PLEASANT VIEW NURSING HOME
POTOMAC VALLEY NURSING AND WELLNESS
POWERBACK REHABILITATION
RAVENWOOD NURSING CARE CENTER
RIDERWOOD VILLAGE

RIDGEWAY MANOR NURSING AND REHABILITATION CENTER
ROCKVILLE NURSING HOME
ROLAND PARK PLACE
SACRED HEART HOME INC
SAGEPOINT NURSING AND REHABILITATION CENTER
SALISBURY CENTER
SEVERNA PARK CENTER
SIGNATURE HEALTHCARE AT MALLARD BAY
SOLOMONS NURSING CENTER
SOUTH RIVER HEALTH AND REHABILITATION CENTER
SPA CREEK CENTER
ST THOMAS MORE MEDICAL COMPLEX
ST. JOSEPH'S NURSING HOME
ST. MARY'S NURSING CENTER INC
STELLA MARIS, INC.
SUMMIT PARK HEALTH AND REHABILITATION CENTER
THE ARBOR
THE GREEN HOUSE AT STADIUM PLACE
THE LIONS CENTER FOR REHABILITATION AND EXTENDED CARE
TRANSITIONAL CARE AT GOOD SAMARITAN
TRANSITIONAL CARE SERVICES AT MERCY MEDICAL CENTER
UNIVERSITY OF MARYLAND SHORE NURSING AND REHABILITATION
VANTAGE HOUSE
VINDOBONA NURSING AND REHABILITATION CENTER
WALDORF CENTER
WAUGH CHAPEL CENTER
WESTERN MARYLAND HEALTH SYSTEM FROSTBURG NURSING AND REHABILITATION CENTER
WICOMICO NURSING HOME
WILSON HEALTH CARE CENTER
WOODSIDE CENTER

Appendix A

For the 2017 CON review cycle, the following CMS datasets are used to determine an applicant's eligibility to apply for a CON by meeting the applicable performance-related qualifying requirements described in this document.

For Medicare-certified HHA applicants, refer to the archived CMS HHA dataset at <https://data.medicare.gov/data/home-health-compare> then select "get archived data". Use the July 2016 datasets; the columns are labeled "Quality of Patient Care Star Rating" and "HHAHPS Survey Summary Star Rating". The individual measures for both the Quality and Experience of Care measures are also in this dataset.

For hospital applicants, refer to the archived CMS hospital dataset at <https://data.medicare.gov/data/hospital-compare> then select "get archived data". Use the May 2016 datasets; the column is labeled "Patient Survey Star Rating".

For nursing home applicants, refer to the archived CMS nursing home dataset at <https://data.medicare.gov/data/nursing-home-compare> then select "get archived data". Use the June 2016 monthly file titled "ProviderInfo" and when the dataset is open, the column heading "overall_rating" shows the star summary score.

Appendix B: Data Submission Requirements for Sample Hospital Applicant in a Multiple Hospital System

Worksheet B: Sample Hospital Applicant

CMS Provider ID	Provider Name	Summary Star Rating 2013	Summary Star Rating 2014	Summary Star Rating 2015
	Applicant Hospital	3	3	4
	Related Hospital	4	4	4
	Related Hospital	3	3	3
	Related Hospital	3	2	2
	Related Hospital	1	2	2
	Related Hospital	3	3	4
	Related Hospital	4	5	5
	Related Hospital	2	2	3
Submit data as shown electronically in an excel spreadsheet				
		Date downloaded from data.medicare.gov		
Measure Date Range 20XX				
Measure Date Range 20XX				
Measure Date Range 20XX				

Appendix C: Data Submission Requirements for Sample Nursing Home Applicant that has Any Common Ownership with Other Nursing Homes

Worksheet C: Sample Nursing Home Applicant

CMS Provider ID	Provider Name	Overall Star Rating 2013	Overall Star Rating 2014	Overall Star Rating 2015
	Applicant Nursing Home	3	3	4
	Related Nursing Home	4	4	4
	Related Nursing Home	3	3	3
	Related Nursing Home	3	2	2
	Related Nursing Home	1	2	2
	Related Nursing Home	3	3	4
	Related Nursing Home	4	5	5
	Related Nursing Home	2	2	3
Submit data as shown electronically in an excel spreadsheet				
		Date downloaded from data.medicare.gov		
	Measure Date Range 20XX			
	Measure Date Range 20XX			
	Measure Date Range 20XX			

Appendix D: Data Submission Requirements for Maryland Residential Service Agency (RSA) Applicants Providing Skilled Nursing Services

The information to be submitted by an RSA applicant shall include the following:

- Documentation of the agency's status as accredited for the three most recent years of operation;
- Documentation that the agency has provided skilled nursing services and information on the types of patients provided with this service, the specific types of skilled nursing services provided, and the utilization of this service during the most recent three years of operation (see Worksheet D1);
- A brief description of the agency's quality assurance program to include identification of the quality measures monitored comparable to those measures submitted by HHAs to CMS (for example, if your RSA uses a client survey, submit a copy of the survey); and
- Provision of examples of specific quality measures tracked and performance levels achieved during the most recent three years of operation (see Worksheet D2).

Worksheet D1: Sample RSA Applicant

Skilled Nursing Services Provided to RSA Clients	Number of RSA Clients by Year		
	2013	2014	2015
Medications and observation of medication effectiveness			
IV therapy			
Tube feedings			
Wound care, dressing changes			
Teaching and training activities (for example diabetes foot care)			
Ostomy care			
Tracheostomy care			
Requiring nursing care of other devices such as urinary catheters			
Requiring specialized assessment/management (specify)			
Receiving psychiatric evaluation/therapy			
Other (specify)			
Other (specify)			
Other (specify)			
Other (specify)			
Number of clients <u>not</u> receiving skilled nursing services*			

*RSA clients receiving therapy from a non-nurse healthcare professional (such as a physical or occupational therapist)

Note: A client receiving BOTH nursing and other therapist services are counted ONLY as skilled nursing services.

Worksheet D2: Sample RSA Applicant

Sample Types of Quality Measures*	Measure Type	Performance Level Achieved		
		2013	2014	2015
Percent of clients with improvement in wound status at the end of care	Outcome	16.3%	28.2%	37.2%
Percent of clients receiving flu vaccination for the current season	Outcome	56.2%	49.3%	55.3%
Percent of clients/families taught about diabetes foot care	Process	no data	14.6%	14.6%
Percent of clients checked for taking the appropriate medications	Process	76.7%	83.5%	88.2%
Percent of clients who said their needs were met by RSA staff	Experience of Care	77.8%	82.3%	83.5%

Note: Submit examples of quality measures collected for your client population.

*Include at least five to ten examples of quality measures selected from your process, outcome and experience of care.