

CHS-66687

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March 18, 2015

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

MARYLAND HEALTH
CARE COMMISSION

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Offices in
Maryland
Washington, D.C.
Virginia

Re: **Seasons Hospice & Palliative Care of Maryland, Inc.
Acquisition of Assets from Optum Palliative and Hospice Care:
Request for Determination of Exemption from Certificate of Need Review**

Dear Mr. Steffen:

This letter is to inform the Maryland Health Care Commission ("Commission") that Seasons Hospice & Palliative Care of Maryland, Inc. ("Seasons"), a general hospice program, has entered into an Asset Purchase Agreement with Optum Palliative and Hospice Care ("Optum"), also a general hospice program, to acquire assets from Optum, including its rights under the certificate of need ("CON") law to provide general hospice services in Baltimore, Montgomery, and Prince George's Counties. Under the terms of the acquisition, Seasons will (a) blend Optum's Baltimore County and Prince George's County services into Seasons' existing licensed operations in those jurisdictions, and (b) expand its licensed operations into Montgomery County. Optum will cease operations as a separately licensed hospice following the transaction. Pursuant to the Commission's regulations at COMAR 10.24.01.04 - "Exemption from Certificate of Need Review," Seasons is providing this notice of the intent to merge or consolidate and seeks Commission approval of this action.

COMAR 10.24.01.04B requires that a complete notice of intent to seek exemption from Certificate of Need review shall be filed with the Commission at least 45 days before the intended action. Information required to be provided by this regulation includes:

(1) The name or names of each affected health care facility

Seasons Hospice & Palliative Care of Maryland, Inc.
Optum Palliative and Hospice Care

(2) The location of each health care facility

Seasons is approved to provide care in the following jurisdictions:

Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Cecil County, Harford County, Howard County, and Prince George's County.

Optum is approved to provide care in the following jurisdictions:
Baltimore County, Montgomery County, and Prince George's County.

(3) A general description of the proposed project including, in the case of mergers and consolidations, any proposed:

(a) Conversion, expansion, relocation, or reduction of one or more health care services

Seasons provides home hospice care in Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Cecil County, Harford County, Howard County, and Prince George's County. Optum provides home hospice care in Baltimore County, Montgomery County, and Prince George's County.

Both Seasons and Optum currently provide care in Baltimore County and Prince George's County. Through this merger, Seasons will add Montgomery County to the list of counties in which it provides home hospice care. This transaction will not result in Seasons being the only hospice provider in any county in which it provides care.

Seasons operates inpatient hospice units at Northwest Hospital and MedStar Franklin Square Medical Center (both in Baltimore County) and Sinai Hospital in Baltimore City. These units will be unaffected by this merger. Optum does not operate any inpatient hospice units.

Seasons' main office is located in Glen Burnie, and it has a practice location in Have De Grace, in Harford County. These will remain unchanged. Seasons has filed all forms with the Office of Health Care Quality and the Centers for Medicare and Medicaid Services for a practice location in Prince George's County. Optum's main office is in Elkridge. Seasons will not maintain that office after the merger takes place. However, this will not result in a reduction in health care services.

(b) Renovation of existing facilities

This merger does not involve any renovation of existing facilities.

(c) New construction

This merger does not involve new construction.

(d) Relocation or reconfiguration of existing medical services

This merger does not involve either the relocation or reconfiguration of existing medical services.

(e) Change in bed capacity at each affected facility;

This merger does not involve any changes in bed capacity.

(4) The scheduled date of the project's completion

Closing is anticipated to occur no later than August 1, 2015, provided that if all conditions precedent, including for example the approval of the Commission, are in place before then the closing will occur as of that earlier date.

(5) Identification of any outstanding public body obligation

There are no other public body obligations.

(6) Information demonstrating that the project:

(a) Is consistent with the State Health Plan

Seasons meets the standards in the State Health Plan section on Hospice Services. A detailed analysis is attached as Exhibit 1. This information was provided to the Commission in two recent CON applications (Docket Numbers 11-03-2318 and 13-24-2346), and Seasons was found to meet the State Health Plan standards in both of those CON reviews.

(b) Will result in more efficient and effective delivery of health care services

Seasons Hospice provides services to a very diverse population reflecting the full spectrum of demographic communities within its service area. As one of the largest hospices in the state and as a provider of hospice services in the Washington metropolitan area in Prince George's County, Seasons can easily extend its services to Montgomery County in an efficient and effective manner.

Seasons believes that technology is an important tool in improving the way it provides hospice care. Seasons uses an Electronic Medical Record. Seasons uses Quality Dashboards for daily accountability, Plan of Care goal measurement, and Compliance monitoring. Seasons also has opened a Physician/Referral Source Portal to make it easier for families to access hospice care. Many of Seasons technological tools for improving hospice are custom designed. Seasons is able to extend these services to residents of Montgomery County at limited additional variable costs, making its overall costs more efficient. Reimbursement will not rise as a result of this merger, as it is set by Medicare and is unaffected by costs. The cost of delivering services will be reduced as Seasons has the administrative infrastructure to provide these hospice services.

This merger will enable Seasons to operate more efficiently, as fixed costs are spread over an increased number of visits, and variable costs are small.

In addition to traditional Hospice nursing services, Seasons has a broad program that it provides to residents of the counties in which it can care for people, including:

Music Therapy - Seasons Hospice created a comprehensive Music Therapy Department to help our patients and their families through holistic palliative care. Full-time board-certified Music Therapists serve as integral members of our staff. Throughout life, sound positively and negatively affects our physical and emotional well-being. It affects the bodily functions that we think are beyond our control. These include heart rate, blood pressure and release of the body's natural painkilling chemicals (endorphins).

Even when people are no longer conscious or speaking, we can console and comfort them with music. Research has shown that music is the first outside sensation that registers with a developing fetus and the last that registers with a dying patient.

Namaste is a highly specialized program for patients in the advanced stage of dementia and other neurological illnesses. Namaste was designed by Joyce Simard, MSW, an internationally recognized dementia expert. Namaste uses person-centered approaches to improve quality of life through meaningful sensory activities that stimulate the senses, promote relaxation, and offer comfort and serenity to those living with dementia. Although specifically designed for people with advanced dementia, the sensory approaches used in Namaste enhance the lives of infants, children and people with other diseases as well as providing moments of peace and tranquility to family caregivers.

Namaste approaches are provided by all members of the hospice interdisciplinary staff and volunteers. Certified Nursing Assistants provide bathing, dressing, grooming and hydration as meaningful activities rather than task completion. Other disciplines and volunteers are involved with providing gentle hand massages, spiritual reading, music and reminiscence. Seasons Hospice promises that with Namaste, each person's individuality is respected, approach to care is offered to maximize pleasure and comfort, and all care by all staff and volunteers is offered with a loving touch.

Namaste staff design person-centered care approaches as meaningful activities to individualize care based on the Lifestyle Assessment. They use sensory stimulation to help soothe and evoke feelings of comfort. The program creates a calm, relaxing environment for the provision of care. It teaches loved ones ways to interact with the patient with advanced dementia and adds a layer of professional caregivers to the existing team.

Existing Optum volunteers will be absorbed into Seasons' program, providing they are willing.

Bereavement Services recognizes that no one can prepare someone else for the personalized experience of grief and loss. Each person reacts differently to the loss of a

loved one. Grief is unique, and it can feel devastating. The loss of a loved one changes someone's life. Even if we believe we are strong or well-prepared, the feelings of grief can be intense. Sorrow, anxiety, fear, and anger emerge at the time of a loved one's death and often continue for many months. During this time of grief, people may find relationships changing. Daily routines and roles may be altered, and basic assumptions about life may change temporarily, or even permanently. People often face the anxiety and unexpected adventure of reshaping their lives. They may not know where to turn for support, care, and help along such an uncharted journey.

The professional staff at Seasons are prepared to walk with families on their journey through grief and bereavement. Seasons offers a variety of bereavement services, which can include Person-to-person support, Memorial services, Educational support groups, and written resources.

Social Work – Seasons' Master's level Social Workers are specially trained in end-of-life care issues. They help our patients and families in a multitude of ways, including counseling, education, help with accessing community resources and grief support. In addition, they assist those in need of alternate residential settings, individuals experiencing financial crises, as well as those who require referrals to outside social service agencies. During the Social Worker's visit, he or she will assess the needs of the patient and family and focus on maximizing their quality of life. As part of the interdisciplinary team, the Social Worker collaborates with all involved in a patient's care with clarification of hospice goals. In short, the Social Worker helps patients and families determine how hospice can best serve them.

Spiritual Care - Seasons does not believe spiritual concerns are only for those who are religious. Spiritual life is most directly expressed and experienced in human connection, and spiritual concerns are intertwined with every facet of our lives. Spiritual dimensions of our lives often provide us with our most profound experiences of awe, wonder, joy, fulfillment, and unity. Spiritual dimensions may also express themselves in some of our most difficult experiences of fear, terror, guilt, and brokenness. All of these experiences are important and valid – and they shape our lives in many untold ways. During times of upheaval and change in life, we all may experience periods of deep doubt and questioning. We may feel uprooted, set adrift, and utterly alone. Sometimes we respond with deep sadness, other times with numb silence, and still other times with rapid activity and an effort to prove to ourselves that we are still in control.

Culturally Diverse Services - Disparities in the use of hospice and palliative care is a concern that Seasons is actively combating. Seasons promotes community outreach and educational training in communities underserved in end-of-life care. Seasons encourages the awareness and respect for diversity in our staff and among our patients and their families. Seasons has a no-tolerance policy for stereotyping, prejudice, discrimination or racism. Seasons provides continuous diversity education and training to all employees. Seasons Hospice is already well above the national average for various

ethnic groups, and we're dedicated to even greater diversity.

Volunteer Services – Seasons recognizes the importance of the volunteer in hospice care. A Hospice Volunteer is a special and necessary member of the Hospice Team, is caring, open, and understands the challenges that face families and patients when confronted with a life-limiting illness. Direct Care Volunteers are required to participate in initial Hospice Volunteer training as well as basic orientation. Training is offered in different formats and locations throughout the Seasons service areas. Specific skill sets may require additional interviews, selection and program training. Indirect Care Volunteers receive basic orientation, training specific to task undertaking, and are encouraged to attend initial hospice volunteer training. Volunteer training and orientation give volunteers an opportunity to learn new skills and become aware of skills they already possess. Some of the areas of training include Hospice mission, history and philosophy of care, Role of the volunteer and the interdisciplinary team, Spiritual and cultural diversity, Confidentiality, Listening and communication skills, Patient care, Disease processes, Self care, Precautions, Grief and bereavement, and Resources. Additional Staff support meetings or patient/family meetings and educational opportunities are offered throughout the year as well as ongoing personal support and social gatherings.

Ask the Pharmacist – Hospice pharmacists are available to answer drug-related questions raised by patients, families, caregivers, nurses, doctors and all members of the hospice health care team. Pharmacists inform health care providers about new drugs on the market, especially medications that will help relieve pain and other symptoms at end of life.

(c) Is in the public interest

Given Season's experience, both nationally and in Maryland, the transaction between Seasons and Optum will allow the residents of Montgomery County to have access to the broad range of services Seasons provides that are described above. According to the COMAR 10.24.13 Supplemental Tables developed by the MHCC in 2012, there were ten hospice agencies authorized to provide care in Baltimore County, nine agencies authorized to provide care in Prince George's County, and nine in Montgomery County. This merger will not cause Seasons to be the only choice for residents of any affected county. As described above, this merger will lead to a more efficient, stronger hospice system in the counties in which Seasons operates and is in the public interest.

Ben Steffen, Executive Director
Maryland Health Care Commission
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O B E R | K A L E R

Thank you for attention to this matter. If you have any questions or require any additional material, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Howard L. Sollins". The signature is written in a cursive style with a large, looped initial "H".

Howard L. Sollins

HLS/tjr

Enclosures

cc: Oxiris Barbot, M.D.

Health Officer - Baltimore City Health Department

Ms. Ruby Potter

Health Facilities Coordination Officer

Ms. Todd Stern

Andrew Solberg, CON Consultant

A.L.S. Healthcare Consultant Services

John J. Eller, Esquire

EXHIBITS

1. State Health Plan Standards
2. Payment for Services Policy
3. Patient Rights and Responsibilities

Exhibit 1
Consistency with State Health Plan Standards

COMAR 10.24.13

.14 Hospice Standards. The Commission will use the following standards to review Certificate of Need proposals to establish a new general hospice program, or expand an existing hospice program to one or more additional jurisdictions.

A. Service Area. An applicant shall designate the jurisdiction in which it proposes to provide services.

Seasons is approved to provide care in the following jurisdictions:

Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Cecil County, Harford County, Howard County, and Prince George's County.

Optum is approved to provide care in the following jurisdictions:

Baltimore County, Montgomery County, and Prince George's County.

Post transaction, Seasons will provide care in the following counties:

Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Cecil County, Harford County, Howard County, Montgomery County, and Prince George's County.

Optum will no longer have a license to provide hospice care in Maryland.

B. Admission Criteria. An applicant shall identify:

- (1) Its admission criteria; and**
- (2) Proposed limits by age, disease, or caregiver.**

As an existing hospice, Seasons has established Admission Criteria. Patients are accepted for care and treatment on the basis of reasonable criteria and under the expectation that the physical, emotional, social and spiritual needs of patients and families can be met adequately by Seasons.

1. The patient must have a terminal illness which is expected to result in a prognosis of six months or less if the disease runs its normal course as certified by the medical director of the hospice or the physician member of the hospice interdisciplinary group and the individual's attending physician if the individual has an attending physician. This decision will be based on prognostic indicators (Local Coverage Determinations) and information from the patient, family, attending physician and any available past medical records.
2. Seasons admits patients only on the recommendation of the medical director in consultation with, or with input from, the patient's attending physician (if any).
3. The patient/legal representative must make an informed decision to forego curative treatment for the terminal illness in preference for palliative treatment/services.
4. For Medicare or Medicaid beneficiaries, the patient/legal representative must make an

informed decision to forfeit all treatment for the terminal illness under the Medicare Part A or Medicaid plan and to elect the Medicare or Medicaid Hospice Benefit.

5. A Do Not Resuscitate (DNR) order and Advanced Directives are not required for admission to Seasons.
6. At the time of admission to Seasons and thereafter, a patient/family must be under the care of a physician who shall be responsible for medical care.
7. Seasons does not require that the patient have a primary caregiver. If there is no primary caregiver, the hospice team will start discussions upon admission with the patient to make plans for his/her care when he/she is no longer able to make decisions for himself or herself.
8. Physical facilities must be adequate for proper care and a safe environment for patient and hospice staff.
9. The patient must live in the geographic areas served by Seasons Hospice.

Seasons does not admit pediatric patients.

C. Minimum Services.

(1) An applicant shall provide the following services directly:

(a) Physician services and medical direction;

Seasons employs a Medical Director who is a medical doctor and is licensed to practice medicine in Maryland. The Medical Director reports directly to the Executive Director. The Medical Director, along with the Team Physicians, will:

- Assume overall responsibility for the clinical and medical component of the hospice's patient care program and for ensuring achievement and maintenance of quality standards of professional medical care;
- Participate in the development and implementation of the policies related to the care provided by the Interdisciplinary Group;
- Provide medical services to a patient if the patient does not have an attending physician;
- Make patient visits at a frequency not less than that described in the written plan of care or as otherwise required to meet the patient/family needs;
- Consult with Attending Physicians regarding pain and symptom control, ethical issues, and concerns or conflicts;
- Ensure that the general medical needs of the patients are met to the extent that these needs are not met by the attending physician;
- Approve all admissions by ensuring the terminal status and eligibility of each patient;
- Ensure that medications are utilized within accepted standards of practice;
- Ensure that a system is established and maintained to document the disposal of controlled drugs;

- Provide liaison as necessary between the core team and the Attending Physician.
- Act as the medical resource for the interdisciplinary team; and
- Designate a physician to contact in case the medical director/team physician is unavailable.

(b) Skilled nursing care;

Nursing care and services, focusing on the management and relief of pain and other symptoms, is provided by or under the supervision of a registered nurse who is licensed to practice in Maryland and is qualified by education and experience to direct hospice nursing care. The registered nurse will, at a minimum:

- Conduct the initial assessment of the patient;
- Perform a home care environment assessment;
- Perform a dietary evaluation and provide dietary counseling to meet the needs of the patient;
- Regularly re-evaluate the patient's nursing needs;
- Initiate the plan of care and update as needed;
- Provide education and support to the patient and family;
- Provide nursing services in accordance with each patient's interdisciplinary plan of care and according to the standards of nursing practice;
- Teach, supervise and evaluate other nursing personnel, including Licensed Practical Nurses and Hospice Aides;
- Document all findings in the patient's medical record;
- Inform the patient and family in regard to the patient's nursing needs; and
- Inform the Attending Physician and other team members of changes in the patient's condition and needs, including the patient's response to care, treatment and services.

A registered nurse case manager will be assigned to each patient to coordinate the patient's care, and integrate and provide continuity of patient/family care in conjunction with other services to assure physician orders are followed.

Nursing services will be staffed to assure that the nursing care needs of the patients will be met and the staffing will be based on:

- An assessment of patient and family care needs;
- The experience level of the nursing staff available to provide services; and
- Available assistance from support staff.

(c) Counseling or social work;

Seasons provides counseling services which address the needs of patients and families for counseling that is reasonable and necessary for the palliation and management of the terminal illness and related conditions and in accordance with the plan of care.

Social Services, including advocacy, referral, problem-solving and intervention related to personal, family, business and financial issues are available to the extent necessary to meet the

needs of patients and their families for care that is reasonable and necessary for the palliation and management of the terminal illness and related conditions.

Medical Social Services are provided by a qualified social worker, licensed to practice in Maryland and under the direction of a physician. The Social Worker will, at a minimum:

- Assist the interdisciplinary team in understanding the significant social and emotional factors related to the terminal illness;
- Evaluate the patient's psychosocial needs, including environment, religious background, spiritual needs, financial needs, family support system, and psychological needs;
- Regularly re-assess the patient and family's psychosocial needs;
- Provide services in accordance with the patient's interdisciplinary plan of care with the goal of assisting the patient and family in adjusting to the psychosocial aspects of the terminal illness;
- Document all findings in the patient's medical record;
- Link the patient and family with needed community resources to meet ongoing social, emotional and/or economical needs; and,
- Provide social work services in accordance with recognized standards of social work practice.

(d) Spiritual services;

Spiritual Services are offered to all patients and their families upon admission and will continue to the extent desired by the patient and their family. Seasons does not impose the dictates of any value or belief system on our patients. The Spiritual Services will:

- Be provided by a qualified Interdisciplinary Group member and/or through an arrangement with clergy and/or other spiritual counselors in the community. Seasons documents reasonable efforts to arrange for visits of clergy and other members of spiritual and religious organizations in the community to patients/families who request such visits and will advise all patients/families of this opportunity;
- Assist the Interdisciplinary Group in understanding the significant spiritual factors related to the terminal illness;
- Be based on an initial and ongoing assessment of the spiritual needs of the patient and family and be consistent with the plan of care. There shall be documentation of ongoing communication between the clergy and/or other spiritual counselors and the Interdisciplinary Group members;
- Include consultation and education to the patient/family and the Interdisciplinary Group members;
- Be consistent with the patient and family's customs, religious preferences, cultural background, ethnicity, beliefs and desires; and,
- Be documented in the patient's medical record.

(e) Nutritional counseling; and

Dietary Services by provided by a registered dietician may include:

- Assessment of nutritional needs and food patterns;
- Planning diets appropriate for meeting patient needs and preferences; and,
- Providing nutrition education and counseling to meet patients needs as identified in the interdisciplinary plan of care, as well as necessary consultation to hospice employees;

(f) On-call nursing response

Nursing staff are on call 24 hours a day.

(2) An applicant shall also provide the following services, either directly or through contractual arrangements:

(a) Personal care;

Seasons provides Hospice Aide services adequate in frequency to meet the needs of the patients. The Hospice Aide meets the training, attitude and skill requirements specified in Sec. 484.36, Chapter IV, Title 42 of the Code of Federal Regulations.

Hospice Aide services will:

- Be assigned by a registered nurse in the plan of care;
- Be provided by a Hospice Aide who is subject to an on-site supervision visit by a registered nurse at least every two weeks;
- Consist of, but not be limited to, assisting patients with personal hygiene, dressing, ambulation/transfer, prescribed exercises, food/fluid intake, and self-administration of medication;
- Include the Hospice Aide reporting changes in the patient's condition and needs; and,
- Include timely and accurate documentation by the Hospice Aide of the care provided

(b) Volunteer services;

Volunteer Services are utilized to promote the availability of care, meet the broadest range of patient and family needs and affect the financial economy in the operation of the hospice. Seasons uses volunteers, in defined roles, under the supervision of a designated hospice employee. Volunteers will be qualified to participate in the hospice program after completion of the orientation/training program.

Direct patient care volunteers shall:

- Have the necessary qualifications and skills to provide the prescribed services; any volunteer functioning in a professional capacity shall meet the standards of the appropriate profession;
- Be aware of the patient's condition and treatment as indicated on the written plan of care;
- Provide services in accordance with the written plan of care which may include, but is not limited to, providing support and companionship to the patient and family,

- caregiver relief, running errands, light chores, visiting and bereavement services; and,
- Document their care on the appropriate form.

Seasons will:

- Provide appropriate orientation and on-going training that is consistent with acceptable standards of hospice practice; successful completion of training and orientation will be documented;
- Use volunteers in administrative or direct patient care roles;
- Keep the volunteer informed of a patient's condition and treatment to the extent necessary to carry out his/her function;

(c) Bereavement services;

Bereavement services provide support to enable an individual/family to adjust to experiences associated with death and will be provided under the direction and supervision of a person qualified by training and experience for the development, implementation and assessment of a plan of care to meet the needs of the bereaved. The Bereavement program includes:

- Bereavement counseling and services to the families of hospice patients for not less than (13) months after the patient's death, to the extent desired by the family;
- Bereavement services consistent with a bereavement plan of care which reflects the family's needs, recognizing their social, religious and cultural values and describing the type and frequency of services to be provided;
- Documentation of all bereavement services that have been provided;
- Orientation and training to individuals providing bereavement services to assure that there is continuity of care;
- Assignment, supervision and evaluation of individuals performing bereavement services;
- Coordination with the family's clergy if so desired;
- Referrals of family members to community programs when appropriate (e.g., problems with mental health, substance abuse or family dynamics that prevent them from grieving appropriately); and
- A Memorial Service for the families of patients who have died on the Seasons program.

(d) Pharmacy services;

Seasons uses an agreement with Enclara Pharmacia to provide licensed pharmacy services for its home hospice patients. The pharmacy:

- Provides an inventory of pharmaceuticals sufficient in scope and quantities to meet the patients' needs twenty four (24) hours a day, seven (7) days a week; and,
- Allows its licensed pharmacists to collaborate with the Interdisciplinary Group in individual medication management;

(e) Laboratory, radiology, and chemotherapy services as needed for palliative care;

Laboratory, radiology, and chemotherapy services as needed for palliative care will be provided by existing contractual agreement.

(f) Medical supplies and equipment; and

Durable Medical Equipment and suppliers will provide an inventory of equipment and/or supplies twenty four (24) hours a day, seven (7) days a week, sufficient in scope and quantities to meet the needs of the patients;

(g) Special therapies, such as physical therapy, occupational therapy, speech therapy, and dietary services.

The following services are available through a contractual arrangement as needed for the palliation and management of the terminal illness and related conditions and will be provided in accordance with the plan of care:

- Physical Therapy; Occupational Therapy; Speech and Language Pathology; and Respiratory Therapy;

(3) An applicant shall provide bereavement services to the family for a period of at least one year following the death of the patient.

Seasons provides such bereavement services for no less than 13 months following the patient's death.

D. Setting. An applicant shall specify where hospice services will be delivered: in a private home; a residential unit; an inpatient unit; or a combination of settings.

Seasons provides hospice care in both home and inpatient settings. Seasons will provide services in a combination of private homes and, when needed, other settings such as assisted living facilities and nursing homes. Seasons will establish contracts with nursing homes and assisted living facilities in Montgomery County, as it has with facilities in every county in which it provides care. Seasons has inpatient hospice beds at Northwest Hospital Center and Franklin Square Hospital. It is implementing a CON for an inpatient unit at Sinai Hospital. In the metropolitan DC area, Seasons has and will contract with skilled nursing facilities and hospitals on an as-needed, "scattered bed" basis. These needs will continue to be evaluated.

E. Volunteers. An applicant shall have available sufficient trained caregiving volunteers to meet the needs of patients and families in the hospice program.

Seasons has an active volunteer program.

F. Caregivers. An applicant shall provide, in a patient's residence, appropriate instruction to, and support for, persons who are primary caretakers for a hospice patient.

Seasons will provide instruction and support to the primary caregiver in the person's home through Seasons Home Hospice.

G. Financial Accessibility. An applicant shall be licensed and Medicare-certified, and agree to accept clients whose expected primary source of payment is Medicare or Medicaid.

Seasons, as an existing provider, is already Medicare and Medicaid certified.

H. Information to Providers and the General Public.

(1) General Information. An applicant shall inform the following entities about the program's services, service area, reimbursement policy, office location, and telephone number:

- (a) All hospitals, nursing homes, and assisted living providers within its proposed service area;**
- (b) At least five physicians who practice in its proposed service area;**
- (c) The Senior Information and Assistance Offices located in its proposed service area; and**
- (d) The general public in its proposed service area.**

(2) Fees. An applicant shall make its fees known to clients and their families before services are begun.

Seasons already informs all hospitals, nursing homes, senior information and assistance offices, the general public and many physicians of its program's services, service area, reimbursement policy, office location, and telephone number. It does so for both its Home Hospice and Inpatient Units. Seasons will inform facilities in Montgomery County, as it has with facilities in every county in which it provides care.

Seasons currently make its fees known to clients and their families before services are begun. It will continue to do so.

I. Time Payment Plan. An applicant shall:

- (1) Establish special time payment plans for individuals unable to make full payment at the time services are rendered; and**
- (2) Submit to the Commission and to each client a written copy of its policy detailing time payment options and mechanisms for clients to arrange for time payment.**

As an existing Hospice, Seasons has established special time payment plans for individuals unable to make full payment at the time services are rendered. [See Exhibit 2, MD Charity Care and Sliding Fee Scale] The Policy states that Seasons shall accept appropriate patients and families regardless of their ability to pay for hospice services. Per the Policy, Seasons has an extended payment plan; however, when these situations arise, the charges are

usually simply considered charity care.

Seasons submits a written copy of its policy to each client.

As referenced in Policy 5 of the Payment for Services Policy, all clients are eligible for extended payment options. In Seasons' experience, the need, factors, and details affecting each patient/family are so different that putting limitations or further details into the policy would make Seasons' options too restrictive. For example, some families must wait until probate is completed, others may wish Seasons to wait to sell a house, still others may wish Seasons to wait for a life insurance claim to be completed, while others may be waiting for requests for Veterans' benefits to be resolved (which may take a long time). It is not simply a case of patients/families spreading the cost of hospice care over a year. Seasons considers the individual facts in each family's request and works with the family to craft an individualized payment plan which may be unique to that family's ability and needs.

J. Charity Care and Sliding Fee Scale. Each applicant for hospice services shall have a written policy for the provision of charity care for uninsured and under-insured patients to promote access to hospice services regardless of an individual's ability to pay. The policy shall include provisions for, at a minimum, the following:

- (1) Provide documentation of financial estimates of the amount of charity care that it intends to provide annually;**
- (2) Provide documentation of a written policy for the provision of complete and partial charity care for indigent and other persons unable to pay for services;**
- (3) Provide documentation of a written policy for the provision of sliding fee scales for clients unable to bear the full cost of services;**
- (4) Provide a written copy of its charity care and sliding fee scale policies to each client before services are begun;**
- (5) Provide documentation that an individual notice of charity care is provided to each person who seeks services in the hospice program; and**
- (6) Make a determination of probable eligibility for charity care and/or reduced fees within two business days of the client's initial request.**

Exhibit 2 includes Seasons' MD Charity Care and Sliding Fee Scale. The vast majority of Seasons' patients are insured by Medicare, Medicaid, or other insurance. Generally, when a patient has private insurance, the insurance will cover all costs. Those costs not covered by insurance are typically considered charity care by Seasons. Patients not covered by Medicare, Medicaid, or private insurance are provided care by Seasons, and the care is considered charity care. Seasons' extended payment plan includes reduced, or sliding scale, fees.

Seasons makes a determination of probable eligibility for charity care and/or reduced fees within two business days of the client's initial request.

A written copy of the Policy and notice of the availability of charity care is provided to each person who seeks services in the hospice program.

K. Quality. An applicant shall document ongoing compliance with all federal and state quality of care standards.

As an existing hospice, Seasons is in compliance with all federal and state Quality of Care standards.

L. Linkages with Other Service Providers.

(1) An applicant shall identify how inpatient care will be provided to patients, either directly, or through a contract with an inpatient provider that ensures continuity of patient care.

(2) An applicant shall agree to document, before licensure, that it has established links with hospitals, nursing homes, home health agencies, assisted living providers, Adult Evaluation and Review Services (AERS), Senior Information and Assistance, adult day care programs, the local Department of Social Services, and home delivered meal programs located within its proposed service area.

Seasons already has established links with hospitals, nursing homes, home health agencies, assisted living providers, Adult Evaluation and Review Services (AERS), Senior Information and Assistance, adult day care programs, the local Department of Social Services, and home delivered meal programs located within its proposed service area. Such linkages will be established in Montgomery County before licensure extends to that jurisdiction.

M. Respite Care. An applicant shall document its system for providing respite care for the family and other caregivers of clients.

Seasons provides respite care and enable family members and other caregivers the opportunity to have a respite.

Respite care is predominantly provided in skilled nursing facilities with which Seasons contracts for this service. Seasons has contracts with dozens of nursing homes to provide this service. Seasons will establish contracts with nursing homes and assisted living facilities in Montgomery County. Respite care is also provided in the three Seasons Hospice Units at Northwest Hospital Center, Sinai Hospital, and Medstar Franklin Square Hospital.

N. Public Education Programs. An applicant shall document its plan to provide public education programs designed to increase awareness and consciousness of the needs of dying people and their caregivers.

As an employer of professionals, Seasons is a provider for Continuing Educational (CE) courses so that nurses and social workers have access to courses which provide CE credit needed for licensure, and to assist them with acquiring specialized certifications. Opening these classes to other professions and to those who are not employees, are used to continue public education and outreach about hospice, its services, and how palliative services are used when curative care no longer is an option.

Education occurs using many different venues to get the hospice website address and toll-free telephone number to the public. On its website, Seasons has information to frequently asked

questions about hospice and our services, and serves as a self-directed educational opportunity to each person visiting the website. The toll-free number provides access 24 hours a day, 7 days a week, further showing that hospice is there for each person who seeks it.

Some of our sites have committees for different ethnic groups in order to educate and increase access to hospice. Attendance at senior fairs and community events get the word out to the general public also.

Seasons conducts extensive education in the form of in-services and presentations beforehand with numerous hospitals, Skilled Nursing Facilities, Assisted Living Facilities, Physician Groups, governmental agencies, professional agencies/groups and religious groups to educate all clinical and non-clinical disciplines on aspects of end of life care. Details regarding some of our community and outreach initiatives can be viewed at:

- <http://www.seasons.org/page/News>

A review of the website www.seasons.org, will showcase the variety of materials that serve to educate the public on a one-to-one basis. This type of access, with follow-up available, often is an important way a member of the public can find out information at home, and without the pressures of feeling that questions asked may not be taken seriously.

O. Patients' Rights. An applicant shall document its compliance with the patients' rights requirements of COMAR 10.07.21.21.

Compliant with the patients' rights requirements of COMAR 10.07.21.21, Seasons has a policy (Policy 101, Patient/Family Rights and Responsibilities) which includes:

1. Before services are provided, patients and families will be informed, both orally and in writing of their rights and responsibilities related to the care or services provided. This information will be provided in a language and manner that the patient understands and will be repeated, as needed, during the course of care by Seasons Hospice.

Policy 101 is included as Exhibit 3.

Exhibit 2
Payment for Services Policy



PROTOCOL 2096[D]
MD Charity Care and Sliding Fee Scale

PURPOSE:

Seasons Hospice & Palliative Care is committed to excellence in providing high-quality health care while serving the diverse needs of those living within our service area. We are dedicated to the view that medically-appropriate hospice care should be accessible, regardless of age, gender, sexual orientation, geographic location, cultural background, physical mobility, or ability to pay. For cases where third-party coverage is not available, an allocation is made each year for funds to be available for financial assistance that's equivalent to 1% of the hospice's average daily census or 2 patients, whichever is greater.

PROCEDURES:

Determination of Eligibility for Charity Care:

1. Patients are assessed for services based on clinical appropriateness, rather than their ability to pay.
2. Patients/families may contact their insurance provider; or a representative of Seasons Hospice who can help determine the third-party payment source, or answer questions regarding alternate payment options. Patients with income below 200% of the federal poverty guidelines as established by the Department of Health and Human Services may apply for charity care
3. Wherever possible, a determination of eligibility for financial assistance will be initiated prior to, or at the time of admission by the intake department. A certain degree of judgment is required in determining whether an account is self-pay or charity. Such judgment will be made by the site's Charity Care Committee following the completion of all steps outlined in Seasons' written protocol for determining patient financial assistance.
4. A Charity Care Application must be completed and signed by the patient for each benefit period. Income level, assets and expenses will be taken into consideration in the evaluation process. Proof of income for the time of service, as well as the prior year's Federal income tax return, along with the W-2 form may be required. If eligible, patients must also apply for welfare assistance and be denied for any reason other than the following: (a) did not apply, (b) did not follow through with application process, and/or (c) did not provide requested verifications.
5. A determination of probable eligibility for charity care and/or reduced fees will be communicated to the patient/family within two business days of the initial request; initiation of application for medical assistance, or both.

Notice of Charity Care Services:

1. The hospice will inform individual patients and families regarding charity care and financial assistance options, when reviewing the liability for payment section of the consent packet that is signed by each patient or representative.
2. The hospice will inform the public-at-large through an annual public announcement posting in the classified section of regional newspaper in a format that is understandable to the service area population, as indicated:
 - a. *Seasons Hospice of Maryland offers a reasonable amount of care at no charge or at reduced rates to eligible persons who do not have insurance, Medicare, Medical Assistance, or other means to pay for care. In addition, qualifying patients may be able to participate in an extended payment plan without interest. Eligibility for free care reduced rates, and extended payment plans will be determined on a case by case basis for those who cannot afford to pay for care. If you think that you may be eligible for uncompensated care, you can receive further information from the administrative office at 888.533.6000.*
3. In addition, the hospice will maintain a posting of this policy displayed in the business office.

Sliding Scale and Time-Payment Plan:

1. Low-income patients who do not qualify for full charity care, but are still unable to bear the full cost of services can be offered a sliding scale fee or time-payment plan option.
2. Patients with income between 200-400% of the federal poverty guidelines as established by the Department of Health and Human Services may apply for partial financial assistance.
3. The most current sliding scale rates can be furnished upon request from the Seasons finance department.

Commitment to Charity Care and Payment Options:

1. Seasons Hospice strives to maintain relationships with community health partners to collaborate and identify patients & populations with imminent and underserved care needs.
2. The needs of low income families are taken into consideration with Seasons of Maryland's strategic planning, including: (a) hiring a community liaison in 2014; (b) operating general in-patient level of care beds at Sinai Hospital; and (c) and adding a location in Prince George's County to expand usage of hospice amongst a broader demographic, where data indicates there is a higher percentage of uninsured and thus a larger instances charity care.

Approved: Clinical Op's 12.13.13; DF 12.13.13

Reviewed: Clinical Op's 5.5.14

Reviewed:

Reviewed:

Exhibit 3
Patients Rights and Responsibilities



PATIENT/FAMILY RIGHTS AND RESPONSIBILITIES 101

POLICY:

The patient has the right to be informed of his or her rights. Seasons Hospice is committed to protecting and promoting the exercise of these rights.

PROCEDURES:

1. Before services are provided, patients and families will be informed, both orally and in writing of their rights and responsibilities related to the care or services provided. This information will be provided in a language and manner that the patient understands and will be repeated, as needed, during the course of care by Seasons Hospice.
2. A signature of the patient or representative will be obtained to verify that they have received and understand this information. The patient has the right to have assistance in understanding and exercising his/her rights.
3. Seasons Hospice will educate all employees and volunteers during orientation and annually about the rights of patients and families and will ensure that all employees and volunteers respect these rights.
4. The list of rights and responsibilities will be redistributed to patients and / or their representative following any revisions or modifications.
5. If the patient has been adjudged incompetent under state law, the rights of the patient are exercised by any legal representative or the person appointed by the court to act on the patient's behalf.

Effective: 2/18/1997

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|-----------|----------|----------|----------|----------|---------|---------|---------|--------|----------|
| Revised: | 1/10/99 | 3/23/00 | 11/27/01 | 9/14/07 | 12/2/08 | 2/20/10 | | | |
| Reviewed: | 2/17/98 | 3/24/99 | 4/11/00 | 2/27/01 | 5/15/02 | 3/11/03 | 5/18/04 | 6/3/05 | 10/17/06 |
| Reviewed: | 10/26/07 | 12/19/08 | 7/9/09 | 12/13/10 | | | | | |