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MARYLAND HEALTH CARE COMMISSION

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October 12, 2018

By E-Mail and USPS

Marta D. Harting, Esquire
Venable, LLP
750 East Pratt Street
Baltimore, Maryland 21202

Re: Amedisys Hospice
Modifications to pending application
Prince George's County Hospice Review
Docket No. 16-16-2382

Dear Ms. Harting:

I have reviewed the August 24, 2018 modifications filed by Amedisys Maryland, LLC d/b/a Amedisys Hospice of Greater Chesapeake ("Amedisys") to its above-referenced application. Amedisys' modifications sought to address deficiencies regarding its original application that I raised in my July 31, 2018 letter. I need additional information from Amedisys before I can consider its modified application to be complete. Specifically, I have concerns that result from discrepancies in information it provided regarding compliance with terms and conditions of previous Certificates of Need, COMAR 10.24.01.08G(3)(e).

Among deficiencies in Amedisys' application that I noted was the need for Amedisys to "demonstrate its compliance with the ... condition of its 2011 CON or offer a satisfactory explanation why ... [the] condition was not met." This CON condition required that Amedisys Maryland, LLC d/b/a Home Health Care of America ("Amedisys d/b/a HHCA")

[a]t a minimum, ... annually provide charitable HHA services equivalent in value to at least 0.4 percent of total expenses and ... document that it complied with this condition within six months of the close of each fiscal year. HHCA will undertake appropriate outreach and public notification requirements necessary to comply with this condition.

As I pointed out in my July 31 letter, after release of Commissioner/Reviewer Garret Falcone Recommended Decision in the 2011 review, he responded to applicant's inquiry by clarifying that

the condition applied “to its entire expanded region (Worcester, Wicomico, Dorchester, Somerset, and Talbot Counties).”

In its modified application, Amedisys acknowledges that did not meet the terms of this condition for every year since it was awarded the CON, “due to the expansion of [health] insurance coverage under the Affordable Care Act.” Amedisys also presented the charity care performance of Amedisys d/b/a HHCA in a table referencing “Charity Care Revenue.” (DI #18, Exh 32). The table listed charity care performance as 0.5% in 2012, 0.4% in 2013, followed by values of 0.2%, 0.1%, 0.3% and 0.1% from 2014 through 2017. However, the amount/value of charity care data in Amedisys’ modified application is not consistent with the values that Amedisys d/b/a HHCA reported to the Commission’s Home Health Survey for those years, as shown in the table below.

Charity Care by Amedisys d/b/a HHCA¹ (License HH7111) 2012-2017

Calendar Year	Represented in modified application	Reported in MHCC Home Health Agency Surveys*
2012	\$37,428	\$17,452
2013	\$32,252	\$9,483
2014	\$12,996	\$4,120
2015	\$8,419	\$2,494
2016	\$24,165	\$6,943
2017	\$9,400	Not available

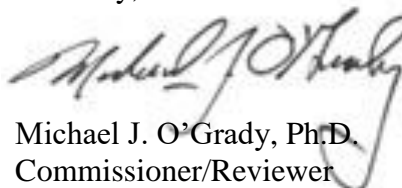
*The 2015 and 2016 charity care figures are those reported by Amedisys d/b/a HHCA in its HHA Survey responses for those years. Excerpts from Amedisys d/b/a HHCA’s 2015 and 2016 surveys that address charity care provided in each of the five counties are attached. MHCC has not published a Public Use Dataset for 2015 and 2016.

I cannot consider Amedisys’ modified application to be complete unless it provides a revised response to COMAR 10.24.01.08G(3)(e) that addresses the above discrepancies. In addition, Amedisys should describe the outreach efforts that Amedisys d/b/a HHCA made in order to comply with the 2011 CON and attach all notices, letters, and other documents sent or provided to potential charity care referral sources in Worcester, Wicomico, Dorchester, Somerset, and/or Talbot Counties. Amedisys may also make other changes it deems necessary to respond fully to the criterion.

I request that Amedisys provide its revised response to this criterion on or before 4:30 p.m. on October 22, 2018

I remind all parties that this remains a contested case and that the ex parte prohibitions in the Administrative Procedure Act, Maryland Code Ann., State Gov’t §10-219, apply to this proceeding until the Commission issues a final decision.

Sincerely,



Michael J. O’Grady, Ph.D.
Commissioner/Reviewer

¹ I am using the name in the 2011 CON.

Marta D. Harting, Esq.
Amedisys
Modifications to Pending Application
October 12, 2018
Page 3

Attachments

cc: Timothy Adelman, Esquire
Howard L. Sollins, Esquire
Margaret Witherup, Esquire
Pamela Brown-Creekmur, RN, Prince George's County Health Officer
Paul E. Parker, Director, Center for Health Care Facilities Planning and Development
Kevin McDonald, Chief, Certificate of Need
Suellen Wideman, Assistant Attorney General
Sarah E. Pendley, Assistant Attorney General
Mariama Gondo, Program Manager, Certificate of Need

Maryland Health Care Commission

Home Health Survey

Survey Year: 2015

Agency ID: 217111P

Agency Name: Amedisys Home Health - Salisbury

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Dorchester

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2015 Fiscal Year.

Number of Charity Clients: 2

Number of Charity Visits: 35

Total Dollar Value of Charity Care Visits Provided: 2250.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2015

Agency ID: 217111P

Agency Name: Amedisys Home Health - Salisbury

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Somerset

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2015 Fiscal Year.

Number of Charity Clients: 0

Number of Charity Visits: 0

Total Dollar Value of Charity Care Visits Provided: 0.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2015

Agency ID: 217111P

Agency Name: Amedisys Home Health - Salisbury

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Talbot

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2015 Fiscal Year.

Number of Charity Clients: 0

Number of Charity Visits: 0

Total Dollar Value of Charity Care Visits Provided: 0.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2015

Agency ID: 217111P

Agency Name: Amedisys Home Health - Salisbury

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Wicomico

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2015 Fiscal Year.

Number of Charity Clients: 3

Number of Charity Visits: 4

Total Dollar Value of Charity Care Visits Provided: 244.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2016
Agency ID: 217111P
Agency Name: Amedisys Home Health
ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Worcester

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2016 Fiscal Year.

Number of Charity Clients:	3
Number of Charity Visits:	31
Total Dollar Value of Charity Care Visits Provided:	2159.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2016

Agency ID: 217111P

Agency Name: Amedisys Home Health

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Dorchester

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2016 Fiscal Year.

Number of Charity Clients: 4

Number of Charity Visits: 35

Total Dollar Value of Charity Care Visits Provided: 2625.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2016

Agency ID: 217111P

Agency Name: Amedisys Home Health

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Somerset

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2016 Fiscal Year.

Number of Charity Clients: 0

Number of Charity Visits: 0

Total Dollar Value of Charity Care Visits Provided: 0.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2016

Agency ID: 217111P

Agency Name: Amedisys Home Health

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Talbot

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2016 Fiscal Year.

Number of Charity Clients: 0

Number of Charity Visits: 0

Total Dollar Value of Charity Care Visits Provided: 0.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2016

Agency ID: 217111P

Agency Name: Amedisys Home Health

ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Wicomico

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.
Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2016 Fiscal Year.

Number of Charity Clients: 3

Number of Charity Visits: 31

Total Dollar Value of Charity Care Visits Provided: 2159.00

Maryland Health Care Commission

Home Health Survey

Survey Year: 2016
Agency ID: 217111P
Agency Name: Amedisys Home Health
ADMINISTRATIVE MODE

SECTION 7

Jurisdiction: Worcester

25. This question refers to charity care as services rendered FREE of charge based Agency's policy.

Note: Total dollar value of charity visits should be based on HHA's chargeable per-visit rate, regardless of actual per-visit payments received. DO NOT include Bad Debts or volunteer of professional services.

Report the number of 'Charity Care' Clients served by your agency during your 2016 Fiscal Year.

Number of Charity Clients:	3
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