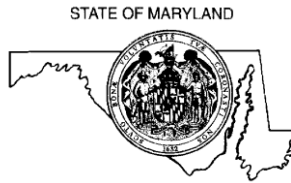


Marilyn Moon, Ph.D.
CHAIR



Rex W. Cowdry, M.D.
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MARYLAND HEALTH CARE COMMISSION

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MARYLAND HEALTH CARE COMMISSION

Thursday, June 19, 2008
Minutes

Commissioner Pollak, Acting Chair, called the meeting to order at 1:00 p.m.

Commissioners present: Falcone, Krumm, McLean, Moore, Olsen, Ontaneda-Bernales, Petty, Pollak, Sensabaugh, and Todd.

ITEM 1.

Commissioner Pollak recognized Rhoda Wolfe-Carr, noting that she would be retiring on June 30th with more than 39 years of State service. On behalf of the Commissioners and staff, Dr. Pollak thanked Ms. Wolfe-Carr for her dedication to the citizens of Maryland and, on behalf of Governor Martin O'Malley, he presented her with a Governor's Citation in honor of her service to Maryland.

Approval of the Minutes

Commissioner Moore made a motion to approve the minutes of the May 15, 2008 meeting of the Commission, which was seconded by Commissioner Falcone and unanimously approved.

ITEM 2.

Update of Activities

David Sharp, Center Director for Health Information Technology, said the Department of Health and Human Services Secretary Michael Leavitt presented an award to the MHCC, the Maryland State Medical Society, and the Medical Society of the District of Columbia for being one of 12 communities selected to participate in the Centers for Medicare and Medicaid Services EHR Demonstration Project (Demonstration Project). He noted that the Demonstration Project is designed to show how EHRs may improve patient care and physician efficiency, and how these improvements may translate into better, more cost effective care.

ITEM 3.

FINAL ACTION: COMAR 31.11.14 – Wellness Benefit Under Small Employer Health Benefit Plans

Janet Ennis, Chief, Small Group Market, presented final regulations for the wellness benefit under the small employer health benefit plan. She noted that the emergency and proposed regulations were approved at the February 21, 2008 public meeting and were published in the Maryland Register on May 12th. She said staff received only one comment on the proposed regulations, made on behalf of the National Fitness Network. Staff recommended that no changes be made to the proposed regulations. Commissioner Todd made a motion to approve the final regulations, which was seconded by Commissioner Ontaneda-Bernales and unanimously approved.

ACTION: COMAR 31.11.14 – Wellness Benefit Under Small Employer Health Benefit Plans is ADOPTED as Final Regulations.

ITEM 4.

ACTION: Certificate of Need – Modification – Montgomery General Hospital, Docket No. 06-15-2186

Paul Parker, Chief, Certificate of Need, said that Montgomery General Hospital applied for a modification to its Certificate of Need that was originally approved June 21, 2007. Mr. Parker said the proposed modification involves an increase in the capital cost of the project and a change in the financing mechanism, but did not involve any significant changes in the physical plant. He said that the financing mechanism would change from tax-exempt bond financing to the use of an existing MedStar Health line of credit, which became possible because Montgomery General Hospital became part of the MedStar Health System on February 1, 2008. The increase in capital cost results from the change in financing. Staff recommended that the Commission approve the proposed project modification with a change to condition four to reflect the modified cost per square foot for new construction and renovations. Commissioner Falcone made a motion to approve the staff recommendation, which was seconded by Commissioner Sensabaugh, and unanimously approved.

ACTION: Modification to Certificate of Need – Montgomery General Hospital, Docket No. 06-15-2186 is hereby APPROVED.

ITEM 5.

Exceptions Hearing: Montgomery County Home Health Agency Review

Commissioner Pollak provided background information concerning applications for Certificates of Need to establish home health agencies in Montgomery County, Maryland. He said nineteen applications were originally docketed in the review. He noted that Commissioner Todd served as the reviewer in this case and granted interested party status to nine existing home health agencies in Montgomery County that made joint filings challenging every application in the review. The Montgomery County home health agencies that comprise the joint interested party are: Adventist Home Health; Frederick Memorial Hospital; Gentiva Health Service; HomeCall, Inc.; Johns Hopkins Home Health Services; MedStar Health

Visiting Nurse Association; MGH Community Health, Inc.; Potomac Home Health Care; and, VNA of Maryland, LLC.

On May 28, 2008, Commissioner Todd issued a Recommended Decision in which he recommended that the Commission approve four applications to establish home health agencies in Montgomery County – the applications filed by ARGOR Business Solutions (doing business as Comprehensive Home Health Care Agency); Celtic Healthcare; Maryland Home Health; and, MBL Associates.

The joint interested party and the following six applicants filed exceptions: Elite Health Care Agency; Home Care Rehab; Home Health Connection; Premier Health Services; Reliance Home Health Care; and, SHO Health Services. Two of the applicants that were recommended for approval, Celtic Healthcare, Inc. and Maryland Home Health, filed responses to the exceptions filed by the joint interested party. Commissioner Pollak noted that the Commissioners had previously received copies of the Recommended Decision, the exceptions, and the responses to exceptions.

The following representatives presented oral argument on the exceptions: the joint interested party, consisting of nine existing Montgomery County home health agencies, through its counsel, Carolyn Jacobs; Applicant Elite Health Care Agency, with Joseph Egbuanran speaking on its behalf; Applicant Home Care Rehab, with John Baker speaking on its behalf; Applicant Home Health Connection, with Mary McDaniel speaking on its behalf; Applicant Premier Health Services, with Paul Hebert speaking on its behalf, Applicant Reliance Home Health Care, with Jean-Pierre Leduc speaking on its behalf, and Applicant SHO Health Services, through its counsel, Teresa Kelton. After arguments on the exceptions, Celtic Healthcare, Inc., represented by Elizabeth Hogue; and Maryland Home Health, represented by James Doyle, presented their arguments in response to the exceptions. Other than Elite Health Care Agency, those applicants that filed exceptions and the joint interested party used their remaining time to present rebuttal arguments.

Following the arguments, Commissioner Todd stated that, having listened carefully to the exceptions and the responses to the exceptions, his recommendation remained unchanged. Commissioner Todd moved that the Commission adopt his Recommended Decision. The motion was seconded Commissioner Moore and unanimously approved. Commissioners Falcone and Krumm recused themselves from consideration of this item.

ACTION: The Recommended Decision is ADOPTED, and the applications for Certificate of Need to establish a General Home Health Agency to Serve Residents of Montgomery County by ARGOR Business Solutions (doing business as Comprehensive Home Health Care Agency); Celtic Healthcare; Maryland Home Health; and, MBL Associates are hereby APPROVED.

ITEM 6.

Exceptions Hearing: Home Health Corporation of America, Inc. – Expansion of Existing General Home Health Agency to Serve Residents of Dorchester County, Docket No. 07-09-2196.

Commissioner Pollak recused himself from this action and asked Commissioner Falcone to chair the meeting for this agenda item. Commissioner Falcone said that Health Corporation of America applied for a Certificate of Need to expand its home health agency services into Dorchester County. He said Commissioner McLean served as the reviewer of this matter and that she recognized two interested parties, Shore Home Care and HomeCall. On May 28, 2008, Commissioner McLean issued a Recommended Decision, in which she recommended that the Commission approve the application of

Home Health Corporation of America. One of the interested parties, Shore Home Care, filed exceptions to the Proposed Decision.

Jack Tranter, counsel for Shore Home Care, provided oral argument on its exceptions. Steve Sfekas, on behalf of Home Health Corporation of America, presented the applicant's argument responding to the exceptions.

Following the arguments, Commissioner McLean stated that, having listened to the exceptions and the response to the exceptions, her recommendation remained unchanged. Commissioner McLean moved that the Commission adopt her Recommended Decision and approve the application of Home Health Corporation of America to expand its home health agency services into neighboring Dorchester County. Commissioner McLean's motion was seconded by Commissioner Olsen and unanimously approved. Commissioners Pollak and Ontaneda-Bernales recused themselves from consideration of this item.

ACTION: The Recommended Decision is ADOPTED, and the application for Certificate of Need of Home Health Corporation of America, Inc. to expand an existing General Home Health Agency to Serve Residents of Dorchester County is hereby APPROVED.

ITEM 7.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:45 p.m., upon motion of Commissioner Krumm, which was seconded by Commissioner Olsen, and unanimously approved.