

**2022 Home Health Agency Certificate of Need (CON) Review:  
Qualifying Jurisdictions and Multi-Jurisdiction Region, Types of Applicants, Qualifications for  
Accepting a CON Application, and Qualifying Maryland Applicants**

**Qualifying Jurisdictions and Multi-Jurisdiction Region**

Consistent with the Home Health Agency (HHA) Chapter of the State Health Plan (COMAR 10.24.16.04), five jurisdictions qualify as having a need for additional HHA services: Carroll, Dorchester, Somerset, Wicomico, and Worcester Counties. COMAR 10.24.16.05 permits the Maryland Health Care Commission (Commission) to 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 2022 CON review of HHA projects, the Commission will use the Lower Eastern Shore regional configuration of four of the five jurisdictions, as well as the single jurisdiction for Carroll County (refer to *Maryland Register*, published November 19, 2021):

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

**Single Jurisdiction:** Carroll County

**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 provides documentation that it qualifies as an applicant, in conformance with COMAR 10.24.16.06C.

**Performance-Related Qualifications by Type of Applicant**

Consistent with COMAR 10.24.16.06D and COMAR 10.24.16.07, quality measures and performance levels were approved by the Commission at its September 23, 2021 meeting to be used for the 2022 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 Care Compare websites and, for Maryland nursing homes, the Maryland-specific patient/family satisfaction or experience of care survey on the Maryland Quality Reporting website (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 both of the following performance levels from the October 2020 CMS Home Health Care Compare data set which reflects the time period January 1 – December 31, 2019:

- (1) Quality of Patient Care (QOPC) Overall star rating equal to or better than the Maryland State average of 4.0 stars; and
- (2) Home Health Consumer Assessment of Health Care Providers and Systems (HHAHPS®) Survey Summary Overall star rating equal to or better than the Maryland State average of 4.0 stars.

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. Data requirements for non-Maryland HHA applicants are outlined in Appendix B.

**Hospital Applicants** may qualify to apply for a CON to establish an HHA in Maryland by scoring at least the Maryland state average on both of the CMS Hospital Overall star ratings for the most recent three consecutive years from the October 2018, 2019 and 2020 CMS Hospital Care Compare data sets which reflect CYs 2017, 2018, and 2019, respectively:

- (1) Quality of Patient Care (QOPC) Overall star rating equal to or better than the Maryland State average of 3.0 stars for all three years; and
- (2) Hospital Consumer Assessment of Health Care Providers and Systems (HCAHPS®) Survey Summary star rating equal to or better than the Maryland State average of 3.0 stars, for all three years.

As provided in COMAR 10.24.16.07D(2), a Maryland hospital applicant with no HHA experience must demonstrate that it has achieved and maintained the minimum CMS Hospital Overall star ratings required for the applicable review cycle for its Maryland hospital. In addition, all the Maryland hospitals with which the applicant has any common ownership must have achieved, on average, for at least the three most recent years of operation, the minimum Hospital Overall star ratings. Data submission requirements for a Maryland hospital applicant in a multiple hospital system are outlined in Appendix C.

The same minimum CMS star ratings for Maryland hospital applicants are used for non-Maryland hospital applicants. Consistent with COMAR 10.24.16.07D(3), a non-Maryland hospital applicant must demonstrate that it has met the minimum CMS Hospital Overall star ratings, for at least the three most recent years of operation, and that all the hospitals with which it has any common ownership achieved and maintained, on average, the minimum Hospital Overall star ratings. Non-Maryland 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 for a non-Maryland hospital applicant in a multiple hospital system are outlined in Appendix C.

**Nursing Home Applicants** may qualify to apply for a CON to establish an HHA in Maryland by achieving a performance score that is equal to or greater than the Maryland average on the CMS Care Compare Nursing Home Overall star ratings for the most recent three consecutive years. A nursing home which has been cited by CMS for resident abuse has been excluded from the list of qualifying nursing homes, even if that nursing home met the performance-related qualifications.

For this review cycle, the Maryland state average Nursing Home Overall star ratings for each of the three most recent consecutive years on the respective CMS October data sets (reflecting 2017 – 2019 calendar years) are as follows:

(1) Quality of Patient Care (QOPC) Overall Nursing Home star rating equal to or better than the Maryland State average as follows: 4 stars in CY 2017; 3 stars in CY 2018; and, 3 stars in CY 2019.

Furthermore, a Maryland nursing home is also required to achieve and maintain the Maryland average rating on the Maryland-specific Experience of Care (EOC) Survey for the measure which asks respondents to rate the nursing home on a scale of 1 to 10 (with 10 being the most satisfied). For this review cycle, the three most recent Maryland EOC surveys comprise data for calendar years 2016, 2018 and 2019. The Maryland state average for the selected measure of rating the nursing home (on a scale of 1 to 10) for each of those years are as follows:

(2) Maryland-specific Experience of Care Survey equal to or better than the Maryland State average rating on scale of 1 to 10 as follows: 8.1 in CY 2016; 7.7 in CY 2018; and, 7.6 in CY 2019.

Consistent with COMAR 10.24.16.07D(4), a Maryland nursing home applicant must demonstrate that it has achieved and maintained, at a minimum, the Maryland state average on both the CMS Nursing Home Overall star ratings and the selected measure for rating the nursing home on the Maryland-specific EOC Survey, for the applicable three-year reporting periods. In addition, all the Maryland nursing homes with which the applicant has any common ownership must have achieved, on average, the same minimum performance-related requirements. Data submission requirements for a Maryland nursing home applicant that has any common ownership with other Maryland nursing homes are outlined in Appendix D.

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 met the relevant performance requirements for the applicable review cycle. A non-Maryland nursing home is required to score, at a minimum, the Maryland state average on the CMS Nursing Home Overall star ratings for the each of the same three years of CMS reporting (CYs 2017 – 2019) as for a Maryland nursing home applicant. In addition, all the non-Maryland nursing homes with which it has any common ownership achieved and maintained, on average, the minimum CMS Nursing Home Overall star ratings. A non-Maryland nursing home applicant must submit data to the Maryland Health Care Commission to document it has achieved the required quality measures and performance levels. Data submission requirements for a non-Maryland nursing home applicant that has any common ownership with other nursing homes are outlined in Appendix D.

**Maryland Residential Service Agency (RSA) Applicants** may qualify to apply for a CON to establish an HHA in Maryland by demonstrating a track record of providing good quality of care. This is achieved by documenting that 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 the Maryland Department of Health 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 E.

## Qualifying Applicants

Using the CMS October 2020 data set, a potential HHA applicant must achieve at a minimum the Maryland state average of 4 Stars on both the Quality of Patient Care and the Experience of Care (HCAHPS®) surveys measures (refer to Appendix A). There are **18 Maryland Medicare-certified HHAs** which meet or exceed the required performance levels and qualify to apply for a CON to expand the agency's current authorization for the 2022 CON review cycle. Refer to Table 1 for a list of qualifying Maryland HHAs. Two qualifying agencies (Johns Hopkins Home Health Services and Stella Maris) are excluded from this list as both have authorization to serve all 24 jurisdictions.

Using the CMS October 2018 – 2020 data sets, a potential hospital applicant must achieve, at a minimum, the Maryland state average of 3 Stars on both the CMS Hospital Overall star rating and the experience of care (HCAHPS®) survey, for all three consecutive years of CMS reporting (calendar years 2017 - 2019) (refer to Appendix A). There are **18 Maryland hospitals** which meet or exceed the required minimum performance levels and qualify to apply for a CON to establish an HHA for the 2022 CON review cycle. Refer to Table 2 for a list of qualifying Maryland hospitals.

Using the CMS October 2018 - 2020 data sets, a potential nursing home applicant must meet, at a minimum, the Maryland state average performance score on the CMS Overall star rating for each of the three years as follows: 4 Stars in CY 2017; 3 Stars in CY 2018; and, 3 Stars in CY 2019. In addition, Maryland nursing home applicants must achieve at least the Maryland average rating on the Maryland-specific experience of care survey (patient/family satisfaction survey), for each of the three years, as follows: 8.1 (out of 10) in CY 2016; 7.7 in CY 2018; and 7.6 in CY 2019. Maryland nursing home applicants must score the same or higher for this measure for all three consecutive years of available data (refer to Appendix A). There are **66 Maryland nursing homes** which meet or exceed the required minimum performance levels and qualify to apply for a CON to establish an HHA for the 2022 CON review cycle. Refer to Table 3 for a list of qualifying Maryland nursing homes. Two nursing homes have been cited by CMS for resident abuse and have been excluded from this list of qualifying nursing homes.

**Table 1**

The following 18 Maryland Medicare-certified home health agencies have met the performance requirements for the 2022 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
AMEDISYS HOME HEALTH (ELKTON)
AMEDISYS HOME HEALTH (LARGO)
AMEDISYS HOME HEALTH (SALISBURY)
AMEDISYS HOME HEALTH OF BALTIMORE
AMEDISYS HOME HEALTH OF MARYLAND
BAYADA HOME HEALTH (TOWSON)
CHESAPEAKE-POTOMAC HOME HEALTH AGENCY
HOMECALL – BALTIMORE CITY
HOMECALL-- EASTON
HOMECALL - FREDERICK
HOMECALL -- WESTMINSTER
KINDRED AT HOME
OAK CREST VILLAGE HOME HEALTH
POTOMAC HOME HEALTH CARE
VISITING NURSE ASSOCIATION OF MD
WESTERN MARYLAND HEALTH SYSTEM HOME CARE

**Table 2**

The following 18 Maryland hospitals have met the performance requirements for the 2022 CON review cycle (described on page 2) 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 SHADY GROVE MEDICAL CENTER
ADVENTIST HEALTHCARE WHITE OAK MEDICAL CENTER
ANNE ARUNDEL MEDICAL CENTER
ATLANTIC GENERAL HOSPITAL
GARRETT COUNTY MEMORIAL HOSPITAL
GREATER BALTIMORE MEDICAL CENTER
HOWARD COUNTY GENERAL HOSPITAL
JOHNS HOPKINS BAYVIEW MEDICAL CENTER
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
UNIVERSITY OF MARYLAND ST JOSEPH MEDICAL CENTER
UNIVERSITY OF MARYLAND SHORE MEDICAL CENTER AT EASTON
UNIVERSITY OF MARYLAND UPPER CHESAPEAKE MEDICAL CENTER

**Table 3**

The following 66 Maryland nursing homes have met the performance requirements for the 2022 CON review cycle (described on pages 3 and 4) 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**

ALICE BYRD TAWERS NURSING HOME
ALLEGANY HEALTH NURSING AND REHABILITATION
ASBURY SOLOMONS ISLAND
AUGSBURG LUTHERAN HOME
AUTUMN RIDGE AT NORTH OAKS
BEDFORD COURT HEALTHCARE CENTER
BERLIN NURSING AND REHABILITATION CENTER
BRIGHTON GARDEN TUCKERMAN LANE
BRINTON WOODS NURSING AND REHABILITATION CENTER AT ARLINGTON WEST
BROADMEAD
BROOKE GROVE REHABILITATION AND NURSING CENTER
BUCKINGHAM'S CHOICE
CALVERT MANOR HEALTH CARE CENTER
CARRIAGE HILL BETHESDA
CHARLESTOWN COMMUNITY INC
CHESAPEAKE SHORES
CHESAPEAKE WOODS CENTER
CHESTNUT GREEN HEALTH CENTER BLAKEHURST
COFFMAN NURSING HOME
COLLINGSWOOD NURSING AND REHABILITATION CENTER
COLLINGTON EPISCOPAL LIFE CARE
COPPER RIDGE
CROFTON CONVALESCENT CENTER
DEER'S HEAD CENTER
EGLER NURSING HOME
ENCORE AT TURF VALLEY
FAIRHAVEN, INC.
FRANKLIN WOODS CENTER
FRIENDS NURSING HOME
FUTURE CARE NORTHPOINT
GINGER COVE
GLEN MEADOWS RETIREMENT COM.
GOODWILL MENNONITE HOME, INC.
HEBREW HOME OF GREATER WASHINGTON

HERON POINT OF CHESTERTOWN
HILLHAVEN NURSING CENTER
HOMEWOOD AT CRUMLAND FARMS
INGLESIDE AT KING FARM
LITTLE SISTERS OF THE POOR
LONGVIEW HEALTHCARE CENTER, LLC
LORIEN HEALTH SYSTEMS MT AIRY
LORIEN MAYS CHAPEL
LORIEN NURSING AND REHABILITATION CENTER - BELAIR
LORIEN NURSING AND REHABILITATION CENTER -ELKRIDGE
MANORCARE HEALTH SERVICES - POTOMAC
MANORCARE HEALTH SERVICES - SILVER SPRING
MAPLEWOOD PARK PLACE
MARYLAND BAPTIST AGED HOME
MARYLAND MASONIC HOMES
MULTI-MEDICAL CENTER
PICKERSGILL RETIREMENT COMMUNITY
POTOMAC VALLEY NURSING AND WELLNESS
RIDERWOOD VILLAGE
ROCKVILLE NURSING HOME
ROLAND PARK PLACE
SACRED HEART HOME INC
SAGEPOINT NURSING AND REHABILITATION CENTER
SIGNATURE HEALTHCARE AT MALLARD BAY
SOLOMONS NURSING CENTER
ST. ELIZABETH REHABILITATION & NURSING CENTER
ST. JOSEPH'S NURSING HOME
ST. MARY'S NURSING CENTER INC
THE LIONS CENTER FOR REHABILITATION AND EXTENDED CARE
THE VILLAGE AT ROCKVILLE
VANTAGE HOUSE
WILSON HEALTH CARE CENTER

## Appendix A: Data Sources

For the 2022 HHA CON review cycle, the following CMS data sets 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 data set at <https://data.medicare.gov/data/home-health-compare> then select "get archived data". Use the October 2020 data set; the columns are labeled "Quality of Patient Care Star Rating" and "HHAHPS Survey Summary Star Rating".

For hospital applicants, refer to the archived CMS hospital data set at <https://data.medicare.gov/data/hospital-compare> then select "get archived data". Use the October 2018 - 2020 data sets; the columns are labeled "Quality of Patient Survey Star Rating" and "HCAHPS Survey Summary Star Rating".

For nursing home applicants, refer to the archived CMS nursing home data set at <https://data.medicare.gov/data/nursing-home-compare> then select "get archived data". Use the October 2018 - 2020 data sets; the column heading "Quality of Patient Care Overall Star Rating" shows the star summary score.

For Maryland nursing home applicants, refer to the Maryland-specific experience of care surveys for Calendar Years 2016, 2018 and 2019. The data set is available on the [Maryland Quality Reporting](#) site. Obtain the average rating score of 8.1 in CY 2016; 7.7 in CY 2018; and, 7.6 in CY 2019.

**Appendix B: Sample: Data Submission Requirements for Non-Maryland Medicare-certified HHA Applicant that has Common Ownership with Any Non-Maryland Medicare-certified HHA**

**Worksheet B: Sample Non-Maryland HHA Applicant that has Common Ownership with Other Non-Maryland Medicare-certified HHA**

<b>CMS Provider ID</b>	<b>Provider Name</b>	<b>Overall Quality of Patient Care (QOPC) Star Rating October 2020</b>
	Applicant Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
<b>Submit data as shown electronically in an excel spreadsheet</b>		

<b>CMS Provider ID</b>	<b>Provider Name</b>	<b>Overall Home Health CAHPS (HHAHPS®) Summary Patient Survey Star Rating October 2020</b>
	Applicant Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
	Related Non-Maryland Medicare-certified HHA	
<b>Submit data as shown electronically in an excel spreadsheet</b>		

**Appendix C: Sample: Data Submission Requirements for Hospital Applicant in a Multiple Hospital System.**

**Worksheet C: Sample Hospital Applicant**

<b>CMS Provider ID</b>	<b>Provider Name</b>	<b>Overall Star Rating October 2020</b>	<b>Overall Star Rating October 2019</b>	<b>Overall Star Rating October 2018</b>
	Applicant Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
<b>Submit data as shown electronically in an excel spreadsheet</b>				

<b>CMS Provider ID</b>	<b>Provider Name</b>	<b>HCAHPS® Patient Survey Star Rating October 2020</b>	<b>HCAHPS® Patient Survey Star Rating October 2019</b>	<b>HCAHPS® Patient Survey Star Rating October 2018</b>
	Applicant Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
	Related Hospital			
<b>Submit data as shown electronically in an excel spreadsheet</b>				

**Appendix D: Sample: Data Submission Requirements for Nursing Home Applicant that has Any Common Ownership with Other Nursing Home(s)**

**Worksheet D: Sample Nursing Home Applicant**

<b>CMS Provider ID</b>	<b>Provider Name</b>	<b>Nursing Home Overall Star Rating October 2020</b>	<b>Nursing Home Overall Star Rating October 2019</b>	<b>Nursing Home Overall Star Rating October 2018</b>
	Applicant Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
<b>Submit data as shown electronically in an excel spreadsheet</b>				

**Maryland Nursing Homes Only**

<b>CMS Provider ID</b>	<b>Provider Name</b>	<b>Experience of Care Rating 2019</b>	<b>Experience of Care Rating 2018</b>	<b>Experience of Care Rating 2016</b>
	Applicant Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
	Related Nursing Home			
<b>Submit data as shown electronically in an excel spreadsheet</b>				

## **Appendix E: 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 of 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 E1);
- 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 the 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 E2).

**Worksheet E1: Sample RSA Applicant**

<b>Skilled Nursing Services Provided to RSA Clients</b>	<b>Number of RSA Clients with Skilled Nursing Services</b>		
	<b>2020</b>	<b>2019</b>	<b>2018</b>
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)			
<b>TOTAL number of RSA clients receiving skilled nursing services</b>			
Number of RSA clients NOT 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 E2: Sample RSA Applicant**

Sample Types of Quality Measures*	Measure Type	Performance Level Achieved		
		2020	2019	2018
Timely Initiation of Care	Process			
Improvement in Ambulation	Outcome			
Improvement in Bed Transferring	Outcome			
Improvement in Bathing	Outcome			
Improvement in Shortness of Breath	Outcome			
Improvement in Management of Oral Medication	Outcome			
How often Needed Acute Care Hospitalizations	Outcome			
Care provided by HHA team in a professional way	Experience of Care			
HHA team communicated well	Experience of Care			
HHA team discussed medicines, pain, and home safety	Experience of Care			
HHA received rating of 9 or 10 (with 10 being the highest)	Experience of Care			

Note: Submit examples of quality measures collected for your client population. Performance level achieved is expressed as a percent of total HHA clients served in the year and meeting the quality measure.

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