



MARYLAND HEALTH CARE COMMISSION
4160 PATTERSON AVENUE – BALTIMORE, MARYLAND 21215
TELEPHONE: 410-764-3460 FAX: 410-358-1236

Legislative Policy Conference Call
Friday, February 28, 2020, 8:00 AM – 9:00 AM

AGENDA

Web Meeting: <https://meet.google.com/rdy-ohvi-obc?hs=122>
Conference line: 1- 405-531-9268 PIN: 430 184 975#

1. WELCOME / ROLL CALL

2. MEETING SUMMARY

Meeting Summary, February 7th, 2020

Meeting Summary, February 14th, 2020

3. UPDATE OF ACTIVITIES

Bills

- [HB 632](#) Vehicle Laws - Registration - Renewal - *Letter of Information.*
- [HB 196](#) Maryland Health Benefit Exchange - Establishment of a State-Based Health Insurance Subsidies Program - *Letter of support.*
- [HB 1329](#) Maryland Health Benefit Exchange - Establishment of Small Business Health Insurance Subsidies Program – *Support*
- [HB 970](#) Health Insurance - Reimbursement of Primary Care Providers - Bonus Payments - Applicability - *Letter of Information*
- [SB 661](#) Health Insurance - Prostate Cancer Screening - Prohibiting Cost-Sharing - *Letter of Information*
- [SB 988](#) Health Insurance - In Vitro Fertilization – Revisions – *Letter of Information*
- [SB 600](#) Health Insurance - Reimbursement of Primary Care Providers - Bonus Payments – Applicability – *Letter of Information*
- [HB 998](#) Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants - Administration and Funding – *Letter of Support*
- [SB 896](#) Commission on Student Behavioral Health and Mental Health Treatment – *Letter of information.*

Meetings with Legislators

4. **ACTION:** Vote on Staff Recommended Positions on Bills with Hearings Next Week

High Priority

[HB 1486](#) / [SB 752](#) – Public Health – Non–Controlled Substance Prescription Record System Program – *Support w/ Amendment w/ Verbal Testimony*

[HB 935](#) Health Facilities - Freestanding Ambulatory Care Facilities - Administration of Anesthesia - *Support with Amendment*

Other New Discussions

[HB 915](#) / [SB 632](#) Health Facilities - Hospitals - Disclosure of Outpatient Facility Fees (Facility Fee Right-to-Know Act) - *No Position OR Letter of Information*

[HB 926](#) – Hospitals and Freestanding Medical Facilities – Closing or Partial Closing – Public Notice - *Letter of Information*

[HB 1291](#) – Health Facilities - Certificate of Need - Exemption for Hospitals Providing Hospice Program Services – *Support with Amendment OR Information*

[SB 669](#)/ [HB 1095](#) Public Health - Prescription Drug Affordability Board and Fund - *Support*

[SB 690](#) Public Health - Long-Term Care Planning-*Information*

Previously discussed positions

[HB 1208](#) Maryland Medical Assistance Program - Telehealth - Pilot Program-*Information*

[SB 875](#) / [HB 1420](#) - *Hospitals - Financial Assistance Policies and Bill Collections – Information*

[HB 1443](#) Commission on Student Behavioral Health and Mental Health Treatment – *Information*

5. **OVERVIEW OF UPCOMING ACTIVITIES**

6. **ADJOURNMENT**

Position Options:

1. No Position
2. Letter of Information
3. Letter of Concern
4. Support (with or without amendment)
5. Oppose

Bills with Hearings Week of 3/2

A selected list of bills with hearings next week that may be of interest to MHCC staff and Commissioners.

| Bill# | Sponsor | Title | Summary | Cross-File # | Position | Status |
|------------------------|----------------------------|---|---|---------------------|-----------------|---|
| HB0779 | Delegate Hornberger, et al | MARYLAND MEDICAL ASSISTANCE PROGRAM – EMERGENCY SERVICE TRANSPORTERS AND EMERGENCY MEDICAL SERVICES PROVIDERS – REIMBURSEMENT | Requiring the Maryland Department of Health to reimburse certain emergency medical services providers for certain services provided to Maryland Medical Assistance Program recipients in an amount specified by certain regulations that is at least \$200 per transport; specifying the minimum reimbursement rate of \$100 per interaction for certain services provided by emergency service transporters; etc. | SB0777 | LOI | Health and Government Operations, 3/4/20 1:00 |
| HB0838 | Delegate Hill, et al | UNREGULATED SPACE IN HOSPITAL OPERATING SUITES PILOT PROJECT STUDY | Requiring the Health Services Cost Review Commission to conduct a study, in conjunction with the Maryland Health Care Commission and certain stakeholders, on the feasibility and desirability of allowing for an unregulated space for elective, self-paying patients in a hospital operating room as a pilot project; and requiring the Health Services Cost Review Commission to report to the Senate Finance Committee and the House Health and Government Operations Committee by June 30, 2021, on the results and findings of the study. | None (2/11) | No Position | Health and Government Operations, 3/2/20 1:00 |

Bills with Hearings Week of 3/2

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| <p>HB0915</p> | <p>Delegate R. Lewis, et al</p> | <p>HEALTH FACILITIES – HOSPITALS – DISCLOSURE OF OUTPATIENT FACILITY FEES (FACILITY FEE RIGHT-TO-KNOW ACT)</p> | <p>Requiring certain hospitals to provide each patient with a certain written notice related to outpatient facility fees that are charged for services provided at the hospital that is in a certain form; requiring that certain notices be provided to certain patients in certain manners and at certain times; requiring each hospital that charges an outpatient facility fee to use a certain range of fees and fee estimates; etc.</p> | <p>SB0632</p> | <p>ASK Commission: NP or LOS</p> | <p>Health and Government Operations, 3/2/20 1:00</p> |
| <p>HB0926</p> | <p>Delegates Lisanti and Johnson</p> | <p>HOSPITALS AND FREESTANDING MEDICAL FACILITIES – CLOSING OR PARTIAL CLOSING – PUBLIC NOTICE</p> | <p>Requiring the Maryland Health Care Commission to publish a certain notice of the closing or partial closing of a certain hospital or freestanding medical facility within a certain time period; requiring the Commission to ensure that a certain notice is available to the public for certain purposes and provided to a certain local governing body and certain members of the General Assembly; requiring the Commission to publish a notice of certain informational meetings; etc.</p> | <p>None (2/11)</p> | <p>LOI</p> | <p>Health and Government Operations, 3/2/20 1:00</p> |
| <p>HB0935</p> | <p>Delegate Kipke</p> | <p>HEALTH FACILITIES – FREESTANDING AMBULATORY CARE FACILITIES – ADMINISTRATION OF ANESTHESIA</p> | <p>Requiring the Secretary of Health to establish through regulations a provision requiring an ambulatory surgical facility to ensure that a health care practitioner administering anesthesia for a procedure has access to all medical resources necessary to adequately and safely care for the patient, as determined by the practitioner in consultation with the health care provider performing the procedure.</p> | <p>SB0728</p> | <p>Support with Amendment</p> | <p>Health and Government Operations, 3/2/20 1:00</p> |

Bills with Hearings Week of 3/2

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| HB0967 | Delegate Miller, et al | TASK FORCE TO STUDY PRIVATIZATION OF THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM | Establishing the Task force to Study Privatization of the University of Maryland Medical System; providing for the composition, chair, and staffing of the Task Force; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report interim and final reports to the Governor and the General Assembly by December, 1, 2021 and July 1, 2022 respectively; etc. | None (2/11) | No Position | Health and Government Operations, 3/2/20 1:00 |
| HB0977 | Delegate Kelly | WORKGROUP TO STUDY LONG-TERM CARE MEDICAID ELIGIBILITY AND PAYMENTS TO PROVIDERS | Establishing the Workgroup to Study Long-Term Care Medicaid Eligibility and Payments to Providers; providing for the composition, cochairs, and staffing of the Workgroup; requiring the Workgroup to study and make recommendations regarding certain matters; requiring the Workgroup to submit an interim and a final report to the Governor and the General Assembly on or before December 1, 2020, and June 30, 2021, respectively; etc. | SB0981 | No Position | Health and Government Operations, 3/4/20 1:00 |
| HB1050 | Delegate Johnson, et al | HOSPITALS – DISCHARGE OR TRANSFER OF PATIENTS – PRIOR AUTHORIZATION OF PRESCRIPTIONS(THE MAE ABRAHAM ACT) | Requiring a hospital, before the discharge or transfer of a patient, to ensure that prior authorization is obtained for any prescriptions given to the patient that require prior authorization. | None (2/11) | No Position | Health and Government Operations, 3/2/20 1:00 |

Bills with Hearings Week of 3/2

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| <p>HB1063</p> | <p>Delegate Krimm</p> | <p>HEALTH CARE FACILITIES – ASSISTED LIVING PROGRAMS – REGULATIONS, STAFFING, AND TRAINING</p> | <p>Requiring that certain regulations adopted by the Maryland Department of Health relating to assisted living programs include requiring an assisted living program to complete a certain assessment tool within a certain period of time and requiring a certain program manager to invite certain individuals to participate in certain resident assessments; requiring that certain assisted living programs have certain staff-to-resident ratios at certain assisted living program facilities under certain circumstances; etc.</p> | <p>SB0969</p> | <p>No Position</p> | <p>Health and Government Operations, 3/5/20 1:00</p> |
| <p>HB1095</p> | <p>The Speaker (By Request – Prescription Drug Affordability Board), et al</p> | <p>PUBLIC HEALTH – PRESCRIPTION DRUG AFFORDABILITY BOARD AND FUND</p> | <p>Repealing certain provisions of law requiring the Prescription Drug Affordability Board to determine a certain funding source on or before a certain date; requiring the Board to assess and collect a certain fee from certain persons in a certain manner; requiring the Board to calculate a certain fee in a certain manner; requiring entities assessed a certain fee to pay the fee on or before October 1 each year; establishing the Prescription Drug Affordability Fund as a special, nonlapsing fund; etc.</p> | <p>SB0669</p> | <p>Support</p> | <p>Health and Government Operations, 3/5/20 1:00</p> |

Bills with Hearings Week of 3/2

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| <p>HB1100</p> | <p>Delegate Pendergrass</p> | <p>PRESCRIPTION DRUG AFFORDABILITY BOARD – MEETINGS, LEGAL ADVISOR, AND TECHNICAL CHANGES</p> | <p>Requiring the Prescription Drug Affordability Board to meet four times per year instead of every 6 weeks; repealing the requirement that the Board hire general counsel; providing that the Attorney General is the legal advisor for the Board; requiring the Attorney General to designate an assistant attorney general as counsel to the Board; authorizing the Attorney General to assign certain attorneys to the Board under certain circumstances; establishing certain duties for the counsel to the Board; etc.</p> | <p>None (2/11)</p> | <p>No Position</p> | <p>Health and Government Operations, 3/5/20 1:00</p> |
| <p>HB1169</p> | <p>Delegate Barron, et al</p> | <p>HOSPITALS – COMMUNITY BENEFITS</p> | <p>Requiring the Health Services Cost Review Commission to establish a Community Benefit Reporting Workgroup; requiring the Commission to adopt certain regulations relating to the community health needs of nonprofit hospitals and reporting by nonprofit hospitals regarding community health needs and benefits provided by the hospital; requiring the Commission, on or before October 1, 2020, to issue a report that addresses certain needs, and submit a copy of the report to certain committees of the General Assembly; etc.</p> | <p>SB0774</p> | <p>No Position</p> | <p>Health and Government Operations, 3/2/20 1:00</p> |

Bills with Hearings Week of 3/2

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| HB1185 | Delegate Rosenberg | PSYCHIATRIC HOSPITALS – UNITS LICENSED AS LIMITED PRIVATE INPATIENT FACILITIES – BILLING | Requiring each State or private psychiatric hospital that provides subacute care to patients in a unit within the hospital that is licensed as a limited private inpatient facility to provide patients receiving care in the unit with an itemized bill that is consistent with billing standards required by insurance carriers. | None (2/11) | No Position | Health and Government Operations, 3/2/20 1:00 |
| HB1208 | Delegate Shetty, et al | MARYLAND MEDICAL ASSISTANCE PROGRAM – TELEHEALTH – PILOT PROGRAM | Requiring the Maryland Department of Health to apply, on or before December 1, 2020, to the Centers for Medicare and Medicaid Services for an amendment to certain waivers to implement a pilot program to provide certain telehealth services to recipients under the Maryland Medical Assistance Program; limiting the telehealth services available under the pilot program; requiring the Department to administer the pilot program under certain circumstances; terminating the Act after June 30, 2025; etc. | None (2/11) | LOI | Health and Government Operations, 3/4/20 1:00 |
| HB1277 | Delegate Lisante & Johnson | University of Maryland – Harford Memorial Hospital Closure – Economic Impact Study | Requiring the University of Maryland Institute for Governmental Service and Research to conduct a study on the economic impact of the closure of Harford Memorial Hospital in Havre de Grace and the transfer of its services to another location; requiring the Institute to conduct the study in a certain manner; requiring the Institute to develop a revitalization plan for the City in a certain manner; requiring the Institute to report certain findings and information to | None (2/11) | No Position | Health and Government Operations, 3/2/20 1:00 |

Bills with Hearings Week of 3/2

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| | | | certain committees on or before December 1, 2020; etc. | | | |
| HB1291 | Delegate Morgan | HEALTH FACILITIES – CERTIFICATE OF NEED – EXEMPTION FOR HOSPITALS PROVIDING HOSPICE PROGRAM SERVICES | Altering the definition of “health care facility” to exempt from the certificate of need requirements hospitals that are providing certain hospice program services to patients admitted to the hospital. | None (2/11) | Support with Amendment or LOI | Health and Government Operations, 3/2/20 1:00 |
| HB1341 | Delegate Qi, et al | INSURANCE – PRODUCT AND SERVICE OFFERINGS | Providing that certain provisions of law do not prohibit insurers, nonprofit health service plans, or health maintenance organizations from offering products or services at no charge or at a discounted price to educate a person regarding, or to monitor, control, or prevent, risk of loss to certain persons; authorizing an insurer, a nonprofit health service plan, or a health maintenance organization to include an offer or provision of products or services in a certain contract or rate filing; etc. | None (2/11) | No Position | Economic Matters, 3/5/2020 @ 1PM |
| HB1360 | Delegate P. Young, et al | HEALTH INSURANCE – OUT-OF-POCKET MAXIMUMS AND COST- SHARING REQUIREMENTS – CALCULATION | Requiring, to the extent authorized under federal law, certain entities to include payments made by certain persons when calculating certain contributions to an out-of-pocket maximum or a cost-sharing requirement for an insured, a subscriber, or a member; and applying the Act to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2021. | SB0623 | No Position | Health and Government Operations, 3/5/20 1:00 |

Bills with Hearings Week of 3/2

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| HB1476 | Delegate J. Lewis | INDEPENDENT OVERSIGHT AND REVIEW BOARD FOR HEALTH CARE OF INMATES IN STATE CORRECTIONAL FACILITIES – ESTABLISHMENT | ESTABLISHMENT Establishing the Independent Oversight and Review Board for Health Care of Inmates in State Correctional Facilities; providing for the composition, chair, and staffing of the Board; requiring that the Board be granted access to copies of certain policies, procedures, and data; requiring the Board to review certain policies, procedures, practices, and data, make a certain assessment, develop certain processes and procedures, determine certain expenditures, and make recommendations regarding certain matters; etc. | None (2/11) | No Position | Judiciary, 3/6/20 @ 1PM |
| HB1485 | Delegate Corderman, et al | MARYLAND MEDICAL ASSISTANCE PROGRAM – EMERGENCY SERVICE TRANSPORTERS – REIMBURSEMENT | Altering certain services provided to Maryland Medical Assistance Program recipients by emergency service transporters that are required to be reimbursed by the Maryland Department of Health. | None (2/11) | LOI | Health and Government Operations, 3/4/20 1:00 |
| HB1486 | Delegate Johnson, et al | PUBLIC HEALTH – NON-CONTROLLED SUBSTANCE PRESCRIPTION RECORD SYSTEM PROGRAM | Establishing the NCS Prescription Record System Program under the Maryland Health Care Commission; providing for the purpose of the Program; requiring the Commission to implement the Program; requiring the Commission to establish standards for selecting a certain prescription information system and any other means for the transmission of certain information within the Program; | SB0752 | Support w/ amendment | Health and Government Operations, 3/6/20 1:00 |

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| | | | requiring that certain standards include certain requirements; etc. | | | |
| HB1496 | Delegate Corderman, et al | MEDICAL ASSISTANCE PROGRAM – EMERGENCY SERVICE TRANSPORTERS – REIMBURSEMENT FOR TRANSPORTATION AND MEDICAL SERVICES | Requiring the Maryland Department of Health to reimburse certain emergency service transporters at a rate of \$3 per mile for mileage accrued in response to 911 calls related to Maryland Medical Assistance Program recipients; and requiring the Department to increase the amount of certain reimbursement by \$25 each fiscal year, beginning in fiscal 2021, until the reimbursement is at least \$300. | None (2/11) | LOI | Health and Government Operations, 3/4/20 1:00 |
| SB0632 | Senator Kelley, et al | HEALTH FACILITIES – HOSPITALS – DISCLOSURE OF OUTPATIENT FACILITY FEES (FACILITY FEE RIGHT-TO-KNOW ACT) | Requiring certain hospitals to provide each patient with a certain written notice related to outpatient facility fees that are charged for services provided at the hospital that is in a certain form; requiring that certain notices be provided to certain patients in certain manners and at certain times; requiring each hospital that charges an outpatient facility fee to use a certain range of fees and fee estimates; etc. | HB915 | ASK Commission: NP or LOS | Finance, 3/5/20 1:00 |
| SB0669 | The President (By Request – Prescription Drug Affordability Board) | PUBLIC HEALTH – PRESCRIPTION DRUG AFFORDABILITY BOARD AND FUND | Repealing certain provisions of law requiring the Prescription Drug Affordability Board to determine a certain funding source on or before a certain date; requiring the Board to assess and collect a certain fee from certain persons in a certain manner; requiring the Board to calculate a certain fee in a certain manner; requiring entities assessed a certain fee to pay a the fee on or before October 1 each year; establishing the | HB1095 | Support | Finance, 3/4/20 1:00 |

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| | | | Prescription Drug Affordability Fund as a special, nonlapsing fund; etc. | | | |
| SB0690 | Senator Klausmeier | PUBLIC HEALTH – LONG–TERM CARE PLANNING | Requiring the Maryland Department of Health, on or before January 1, 2021, to develop and publish materials to assist State residents with long–term care family planning; requiring certain materials to meet certain requirements, be consistent with certain other materials, and include certain contact information; requiring the Department to make certain materials available in certain languages; and requiring certain State agencies to update certain websites in a certain manner on or before January 1, 2021. | None (2/11) | LOI | Finance, 3/6/20NOON |
| SB0727 | Senator Lam | INSURANCE LAW – APPLICATION TO DIRECT PRIMARY CARE AGREEMENTS – EXCLUSION | Defining a “direct primary care agreement” as a written contract in which a primary care provider agrees to provide certain primary care services to a patient for a certain fee and for a certain period of time and that has certain elements; excluding a direct primary care agreement from certain definitions for the purpose of certain provisions of insurance law; and providing that certain provisions of insurance law do not apply to a direct primary care agreement. | None (2/11) | No Position | Finance, 3/4/20 1:00 |

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| SB0728 | Senator Lam | HEALTH FACILITIES – FREESTANDING AMBULATORY CARE FACILITIES – ADMINISTRATION OF ANESTHESIA | Requiring the Secretary of Health to establish through regulations a provision requiring an ambulatory surgical facility to ensure that a health care practitioner administering anesthesia for a procedure has access to all medical resources necessary to adequately and safely care for the patient, as determined by the practitioner in consultation with the health care provider performing the procedure. | HB935 | Support with amendment | Finance, 3/5/20 1:00 |
| SB0752 | Senator Rosapepe | PUBLIC HEALTH – NON– CONTROLLED DANGEROUS SUBSTANCE PRESCRIPTION RECORD SYSTEM PROGRAM | Establishing the NCDS Prescription Record System Program under the Maryland Health Care Commission; providing the purpose of the Program is to improve patient safety and reduce health care costs by allowing a prescriber and prescriber delegate to access NCDS prescription drug history of patients; requiring the Commission to establish standards for selecting a certain prescription information system and any other means for the transmission of certain information within the Program; requiring that certain standards include certain requirements; etc. | HB1486 | Support w/ amendment | Finance, 3/6/20 12:00 |
| SB0774 | Senator Kelley | HOSPITALS – COMMUNITY BENEFITS | Requiring the Health Services Cost Review Commission to establish a Community Benefit Reporting Workgroup; requiring the Commission to adopt certain regulations relating to the community health needs of nonprofit hospitals and reporting by nonprofit hospitals regarding community health needs and benefits | HB1169 | No Position | Finance, 3/5/20 1:00 |

Bills with Hearings Week of 3/2

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| | | | provided by the hospital; requiring the Commission, on or before October 1, 2020, to issue a certain report, take certain other actions, and submit a copy of a certain report to certain committees of the General Assembly; etc. | | | |
| SB0873 | Senator Feldman, et al | HEALTH FACILITIES – HOSPITALS – MEDICAL DEBT PROTECTION | Requiring a hospital to annually submit a report to the Health Services Cost Review Commission on the total number of patients by race or ethnicity, gender, and zip code against whom the hospital has filed an action to collect a debt, or to whom the hospital has and has not reported or classified a bad debt, and the total amount of costs owed but not collected; requiring that a certain policy provide a mechanism to a patient to modify a payment plan and prohibit the hospital from collecting a certain debt for a certain patient; etc. | HB1081 | No Position | Finance, 3/5/20 1:00 |
| SB0875 | Senator Feldman, et al | HOSPITALS – FINANCIAL ASSISTANCE POLICIES AND BILL COLLECTIONS | Increasing the family income threshold to between 200% and 500% of the federal poverty level at which a hospital’s financial assistance policy must provide free medically necessary care to patients; requiring that a certain financial assistance policy include a certain payment plan and a certain mechanism for a patient to request a certain reconsideration; requiring that a certain financial assistance policy provide presumptive eligibility for certain care to certain patients; etc. | HB1420 | LOI | Finance, 3/5/20 1:00 |

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| SB0938 | Senator Hayes | HOSPITALS – CHANGES IN STATUS – HOSPITAL EMPLOYEE RETRAINING AND PLACEMENT | Requiring each hospital to pay a certain fee directly to the Maryland Department of Labor on a certain date each year; requiring the Secretary of Labor to pay certain fees into a certain fund; requiring the State Health Services Cost Review Commission to collect certain additional fees for a certain purpose under certain circumstances; requiring each hospital to submit certain reports to the Commission and the Department; altering the purposes of a certain program required to be established by the Department; etc. | HB1571 | No Position | Finance, 3/5/20 1:00 |
| SB0966 | Senator Hettleman | HEALTH FACILITIES – ASSISTED LIVING PROGRAMS – REFERRALS AND LICENSES | Authorizing the Office of the Attorney General to seek certain injunctive or other relief for a certain purpose under certain circumstances; prohibiting a person from knowingly and willfully referring another person to a certain assisted living program; establishing certain penalties for certain violations of the Act; requiring the Secretary of Health to remit certain penalties to the Office of Health Care Quality for a certain purpose; etc. | HB1615 | No Position | Finance, 3/5/20 1:00 |
| SB0969 | Senator Washington | HEALTH CARE FACILITIES – ASSISTED LIVING PROGRAMS – REGULATIONS, STAFFING, AND TRAINING | Requiring that certain regulations adopted by the Maryland Department of Health relating to assisted living programs include requiring an assisted living program to complete a certain assessment tool within a certain period of time and requiring a certain program manager to invite certain individuals to participate in certain resident | HB1063 | No Position | Finance, 3/5/20 1:00 |

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| | | | assessments; requiring that certain assisted living programs have certain staff-to-resident ratios at certain assisted living program facilities under certain circumstances; etc. | | | |
| SB0977 | Senator Hester, et al | MARYLAND HEALTH BENEFIT EXCHANGE – FUNDING FOR SMALL BUSINESS INSURANCE SUBSIDIES AND OUTREACH | Requiring the Governor to include in the annual budget bill for fiscal year 2022 and each fiscal year thereafter an annual appropriation of \$17,000,000 for the Maryland Health Benefit Exchange; and requiring the appropriation to be allocated in a certain manner to fund certain subsidies and activities. This bill requires a mandated appropriation in the annual budget bill. | HB0930 | No Position | Finance, 3/4/20 1:00 |