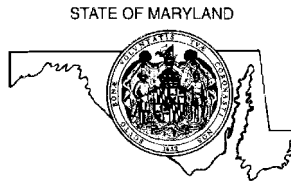


**Marilyn Moon, Ph.D.**  
CHAIR



**Rex W. Cowdry, M.D.**  
EXECUTIVE DIRECTOR

## **MARYLAND HEALTH CARE COMMISSION**

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## **MARYLAND HEALTH CARE COMMISSION**

**Thursday, September 16, 2010**

### **Minutes**

Chair Moon called the public meeting to order at 1:10 p.m.

Commissioners present: Conway, Fleig, Kan, Krumm, Lyles, McLean, Moore, Olsen, Petty, and Jefferson via telephone.

### **ITEM 1.**

#### **Approval of the Minutes**

Commissioner Krumm made a motion to approve the minutes of the July 15, 2010 public meeting of the Commission and the August 19, 2010 public meeting, via conference call, which was seconded by Commissioner McLean, and unanimously approved.

### **ITEM 2.**

#### **Update of Activities**

Chair Moon mentioned that, as a member of the Health Care Reform Coordinating Council, she also participates on the Education and Outreach Workgroup, which had its first meeting on Tuesday, September 14, 2010. She noted that there would be two additional meetings of the workgroup before producing their report by November 1st.

Chair Moon also noted that, as the reviewer in the comparative review of applications to establish new hospitals in Montgomery County, she heard more than six days of testimony, with the testimony completed that morning. She anticipated that her recommended decision will be presented to the full Commission in December.

Rex Cowdry, M.D., Executive Director, said that he continues to participate on the Exchange and Insurance Markets Workgroup of the Health Care Reform Coordinating Council. Dr. Cowdry noted that the workgroup is an open process to share views on crucial issues related to health care reform. He also noted that the workgroup will present options to the Health Care Reform Coordinating Council.

Dr. Cowdry announced that the Governor appointed Dr. Adam Weinstein as a member of the Commission and it is hoped that he will attend the October meeting.

Pam Barclay, Director of the Center for Hospital Services, said public reporting of central line-associated bloodstream infections will be included in the Hospital Guide. Ms. Barclay provided background information and feedback on this project. Ms. Barclay also noted that Commission staff will be holding a meeting with interested hospice programs to discuss the Commission's approach to the regulation of inpatient hospice bed capacity.

David Sharp, Director, Center for Health Information Technology, provided an update regarding COMAR 10.25.16, "Electronic Health Record Incentives." The regulations require that specific state-regulated payers provide incentives to primary care practices for the adoption of electronic health records. The Commission approved the proposed regulations and they were published in the Maryland Register on July 30, 2010. In general, commenter's asked the Commission to expand the definition of eligible practice to include specialists. Dr. Cowdry said that staff does not support expanding the definition of eligible practice beyond primary care providers. The regulations and public comments will be included in the 2010 Health IT Update report due to the Senate Finance Committee and the House Health and Government Operations Committee before the end of the year. As part of the update, Angela Plunkett, Health Policy Analyst, within the Center for Health Information Technology was introduced to the Commission.

### **ITEM 3.**

#### **ACTION: Certificate of Need – Waldorf Nursing and Rehabilitation Center (Docket No. 10-08-2309)**

Waldorf Nursing and Rehabilitation Center applied for a Certificate of Need to establish a long-term care facility. Susan Myers, Health Policy Analyst, presented the staff recommendation. Ms. Myers said Waldorf Nursing and Rehabilitation Center proposed to establish a long-term care facility campus in Charles County that will include a 67-bed comprehensive care facility (CCF) and a 90-bed assisting living facility. She noted that the CCF is designed as a single-level structure with 34,693 square feet and two nursing units with a total of 53 rooms, 47 private rooms and 10 semi-private rooms. Ms. Myers said the project is estimated to cost \$23,543,100, of which \$8,820,029 is attributed to the CCF. She said that the project will be funded with \$7,031,961 in cash and that the facility plans to finance the project with a mortgage loan of \$16,501,681, a working capital loan of \$800,000, and a loan of \$562,000 to be used for furniture, fixtures, and equipment. Staff analyzed the proposed project's compliance with the applicable State Health Plan standards and Certificate of Need review criteria, and recommended that the project be approved with two conditions. Commissioner Fleig made a motion to adopt the staff recommendation, which was seconded by Commissioner McLean and unanimously approved.

#### **ACTION: Certificate of Need – Waldorf Nursing and Rehabilitation Center (Docket 10-03-2309) is hereby APPROVED.**

**ACTION: Certificate of Need – Comprehensive Nursing Services, Inc. (Docket No. 10-03-2310)**

Comprehensive Nursing Services, Inc. (CNS) applied for a Certificate of Need to establish a specialty home health agency. Ms. Myers presented the staff recommendation. She said CNS proposed to establish a specialty home health agency to provide “intermittent” nursing and therapeutic services to Medicaid-eligible pediatric clients and maternal/newborn dyads. Ms. Myers said that CNS currently provides nursing and therapeutic services to persons in their homes as a residential service agency and specialized in the provision of care to children on a “shift” rather than intermittent basis. She said the facility seeks to obtain status as a licensed home health agency to provide a fuller range of pediatric services eligible for reimbursement from the Medicaid program. The proposed HHA will share offices and staff with the CNS residential service agency and estimates that an expenditure of \$139,400 will be needed to implement the proposed project. Staff recommended that the Commission grant CNS a Certificate of Need to establish a specialty home health agency limited to serving residents of Baltimore City and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard as detailed in the staff report and recommendation. Commissioner Krumm made a motion to approve the staff recommendation, which was seconded by Commissioner Fleig and unanimously approved.

**ACTION: Certificate of Need – Comprehensive Nursing Services, Inc. (Docket No. 10-03-2310) is hereby APPROVED.**

**ITEM 4.**

**ACTION: CareFirst Single-Carrier Patient Centered Medical Home Application**

CareFirst BlueCross BlueShield submitted its application for a Single Carrier Patient Centered Medical Home program on Friday, August 27, 2010. Commission staff reviewed and assessed the application’s conformance with the single carrier PCMH program standards approved by the Commission in August. Ben Steffen, Director of the Center for Information Services and Analysis, presented the application for consideration. Staff recommended that the Commission approve CareFirst’s application, subject to the following four conditions:

1. CareFirst must provide a list of briefing dates with members of local/regional primary care professional organizations and meeting agendas. (Under Element 1.a, Required\*).
2. CareFirst must document that it can submit enrollment and program materials for patients in English and Spanish. (Under Element 8.g, Required\*)
3. CareFirst must document that it includes probable dollar ranges in provider enrollment materials (Under Element 10.c, Required\*).
4. CareFirst must document that its quality metrics will be provided in provider enrollment materials. (Under Element 11.b, Required\*).

CareFirst has agreed to provide these documents when they are available. Upon receipt, Commission staff will conduct a review and make a recommendation to the Executive Director that full approval be granted. Mr. Steffen introduced Dr. Jon Shematek, Senior Vice President and Chief Medical Officer, Kevin O'Neill, and Ann Doyle, of CareFirst BlueCross BlueShield to the Commissioners.

Following discussion among the Commissioners, staff, and Dr. Shematek, staff recommended that the Commission approve CareFirst BlueCross BlueShield's Single Carrier Patient Centered Medical Home Program, subject to the conditions set forth in the staff recommendation. Commissioner Petty made a motion to approve the recommendation, which was seconded by Commissioner Conway and unanimously approved. Commissioners Fleig and Kan recused themselves from consideration of this matter.

**ACTION: CareFirst Single-Carrier Patient Centered Medical Home Application is hereby APPROVED.**

#### **ITEM 5.**

#### **PRESENTATION: Nursing Home Seasonal Influenza Vaccination Rate Among Health Care Workers**

Carol Christmyer, Chief, Long-Term Care Quality Initiative, presented the results of a survey sent to nursing homes in Maryland to report staff influenza vaccination rates for the 2009-2010 flu season. Ms. Christmyer provided background information noting that Maryland Law Health General 18-404 requires health care entities to establish an immunization program for employees and residents in accordance with current Centers for Disease control recommendations. Ms. Christmyer said that the survey was administered in collaboration with the DHMH Medicaid Office of the Long Term Care and Community Support. She said the data was collected between April 16 and May 10, 2010 for the 2009-2010 Influenza Season and that vaccinations received or reported between September 1, 2009 and April 15, 2010 were included. Ms. Christmyer discussed the survey results and ways to recommend and encourage vaccination. She said staff will continue to collaborate with the Medicaid Office of Long Term Care to collect Seasonal Influenza Vaccination information from pay-for-performance (P4P) nursing homes, administer the survey to those facilities that do not participate in the Medicaid P4P program, implement public reporting of nursing home facility-specific results on the MHCC Consumer Guide to Long Term Care in 2011, and pilot a similar survey among assisted living facilities for the 2010-2011 influenza season.

## **ITEM 6.**

### **PRESENTATION: Web-based Demonstration: Consumer Guide to Long Term Care**

Ms. Christmyer also presented a preview demonstration of the Commission's new web-based Consumer Guide To Long Term Care. She said the 2010 Consumer Guide to Long Term Care is an expanded interactive web site designed to assist consumers in planning for long term care needs and in finding needed services. The site will also include links to a variety of resources for long term care, as well as a search feature which includes searches by agency type, i.e., home health agency, adult day care, assisted living, hospice, and nursing home, as well as by location. She said the site will be launched in October.

## **ITEM 7.**

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:05 p.m., upon motion of Commissioner Olsen, which was seconded by Commissioner Kan and unanimously approved.