



MARYLAND HEALTH CARE COMMISSION

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

Thursday, March 15, 2012

Minutes

Chair Moon called the meeting to order at 1:00 p.m.

Commissioners present: Conway, Falcone, Grady, Kan, Lyles, McLean, Montgomery, Schneider, and Tanio.

ITEM 1.

Approval of the Minutes

Commissioner McLean made a motion to approve the minutes of the February 16, 2012 public meeting, which was seconded by Commissioner Falcone and unanimously approved. Commissioner McLean made a motion to approve the minutes of the February 27, 2012 public meeting held via conference call, which was seconded by Commissioner Falcone and unanimously approved.

ITEM 2.

Update of Activities

Staff indicated that there were no additional items of interest to the written updates.

ITEM 3.

ACTION: Certificate of Need

- **Genesis Bayview Joint Venture, LLC (Docket No. 11-24-2323)**

Genesis Bayview Joint Venture, LLC, which is comprised of Genesis Bayview JV Holdings, a subsidiary of Genesis HealthCare, and Johns Hopkins Bayview Medical Center, applied for a Certificate of Need to establish a 132-bed comprehensive care facility that will relocate, in part, beds currently owned by the Johns Hopkins Bayview Care Center (“Care Center”) to a building to be constructed on the grounds of Johns Hopkins Bayview Medical Center (“JHBMC”). Paul Parker, Acting Director of the Center for Hospital Services, presented the staff recommendation. Mr. Parker said that the Genesis Bayview Joint Venture’s proposed project involves purchasing all 92 of the temporarily delicensed comprehensive care facility beds of the Care Center plus 40 beds currently operated at the Care Center. He said that the

remaining 40 operational beds would be transferred or temporarily delicensed by the Care Center. Mr. Parker noted that the new facility would include two 34-bed Transitional Care Units, a 24-bed Dementia Care Unit, a 20-bed Ventilator Care Unit, and a 20-bed Long-Term Care Unit. Mr. Parker said the estimated cost of the project is \$26,150,769. The funding plan anticipated for the project involves construction and ownership of the building by a third-party developer identified and brought into the project by Johns Hopkins Real Estate. This developer would lease the site and contribute \$25 million for construction of the project. The developer would lease the building to Genesis Bayview Joint Venture, LLC, which would own the licensed beds, furniture, fixtures, and equipment. The balance of the needed funding would be provided by the applicant as cash. Staff recommended that the Commission approve this project with a condition requiring the applicant to execute a Memorandum of Understanding with the Maryland Medicaid program with respect to required levels of service to Medicaid patients prior to first use of the project. Commissioner Montgomery made a motion to approve the staff recommendation, which was seconded by Commissioner McLean and unanimously approved. Commissioner Grady recused herself.

ACTION: Certificate of Need – Genesis Bayview Joint Venture, LLC (Docket No. 11-24-2323) is hereby APPROVED.

ITEM 4.

ACTION: Legislation

Ben Steffen and Erin Dorrien, Program Manager of Government Relations and Special Projects, discussed legislation.

- ***SB 954 – Medical Records – HIPAA Consistency Act of 2012***

This bill aligns the law regarding the sharing of protected information with Health Insurance Portability and Accountability Act (HIPAA), assuring privacy protections and removing an unnecessary barrier to greater care coordination. SB 954 would allow health plans to exchange medical data and records with each treating provider of patients who they insure without first obtaining consent. SB 954 does not affect Maryland's restrictions on the disclosure of mental health records. The sense of the Commission was to support SB 954 with an amendment that would require a health plan to comply with Maryland law covering health information exchange (HIE) when the health plan acts as an HIE.

- ***HB 1434 – Health Insurance – Coverage for Autism Spectrum Disorders***

This bill mandates coverage for the diagnosis of autism spectrum disorders and requires coverage up to age 13; carriers can limit coverage to \$36,000/year up to age 8 and \$25,000 per year for ages 8-12. These services include but are not limited to Applied Behavioral Analysis. The legislation also defines the qualified practitioners who can deliver these services. HB 1434 provides a backstop for the plans offered in the Exchange by excluding these services if they are not specifically provided for through essential health benefits. As in previous years, the Commission has not taken a position on this legislation, but continues to work with the legislature on all mandated benefit proposals.

- ***HB 780 - Multicultural Health Care Equity Certification and Accreditation - Work Group***

This bill would require the MHCC to convene a workgroup to provide recommendations to strengthen cultural competency through health literacy training and assessments and a health care equity certification

and accreditation program. Much of the work required in this study will already be conducted as part of SB 234, the Health Disparities Reduction Act of 2012. Staff met with the sponsor and the Office of the Lieutenant Governor to suggest incorporating the substance of HB780 into the Health Disparities legislation as a way to streamline and consolidate information gathering and reporting. All parties agreed and the disparities legislation was amended to include the reports required under this legislation. The sponsor will withdraw HB 780.

- ***HB 1141 – “Maryland Health Care Commission – Cardiac Surgery and Percutaneous Coronary Intervention Services”***

This bill identifies Percutaneous Coronary Intervention (PCI) services as a service regulated by the Commission and decouples oversight of PCI from cardiac surgery. It also makes oversight of PCI services and cardiac surgery services consistent across all hospitals. Mr. Steffen said that various stakeholder meetings were held to discuss amendments. He said that progress is being made and an additional meeting is scheduled with stakeholders.

ITEM 5.

BRIEFING: State Health Plan Chapter for General Surgical Services, COMAR 10.24.11

Paul Parker, Acting Director of the Center for Hospital Services, provided background information on the process of updating the General Surgical Services Chapter of the State Health Plan.

Eileen Fleck, Program Manager with the Center for Hospital Services, presented summaries of draft proposed revisions to the Surgical Services Chapter of the State Health Plan. Ms. Fleck provided comparative information on surgical discharges and rates. She also provided a copy of the Department of Health and Mental Hygiene’s draft proposed regulations regarding practitioner evaluation at hospitals that address inappropriate utilization of surgical services. Ms. Fleck provided new proposed language for the charity care section of the draft State Health Plan for Facilities and Services: General Surgical Services. These changes are the result of further research and discussion with the State Health Plan Work Group. She stated that, after the Commission meeting, the proposed draft changes would be posted on the Commission’s website for informal public comment.

ITEM 6.

PRESENTATION: Health Care Spending in Maryland

Linda Bartnyska, Acting Director, Center for Information Services and Analysis, briefed the Commission on Health Care Spending in Maryland. Ms. Bartnyska said the findings include: total and per capita health care spending, 2010; the trend in the rate of increase in per capita spending over the last decade for Maryland versus the US; distribution of spending across the types of service in 2010; trends the distribution of spending by type of service cover the last decade for Maryland versus the US; and, comparisons of per capita spending in Maryland to other states – using CMS data – through 2009, the most recent year available for all states.

ITEM 7.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:45p.m., upon motion of Commissioner Kan, which was seconded by Commissioner Lyles and unanimously approved.