



**MARYLAND HEALTH CARE COMMISSION**

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**Thursday, May 31, 2012**

**Minutes**

Vice Chair Falcone announced that he would chair the first part of the Commission meeting and called the meeting to order at 11:10 a.m.

Commissioners present: Grady, Kan, McLean, Montgomery, Moon, Petty, Schneider, and Weinstein. Commissioner Conway participated via conference call.

**ITEM 1.**

**Approval of the Minutes**

Commissioner Montgomery made a motion to approve the minutes of the April 19, 2012 public meeting, which was seconded by Commissioner Petty and unanimously approved. Commissioner Moon made a motion to approve the minutes of the April 25, 2012 public meeting, which was seconded by Commissioner McLean and unanimously approved.

**ITEM 2.**

**Update of Activities**

Ben Steffen, Acting Executive Director, said the Commissioners received an Issue Brief of Maryland's Self-Insured Small Group Health Insurance Market in their packet of materials. Mr. Steffen said that staff added information on self-insured rates among Maryland employers with 50-99 employees to this report because the MEPS-IC data does not currently include information on self-insured rates for firm size.

Linda Bartnyska, Acting Director of the Center for Information Services and Analysis, introduced Leslie LaBrecque, Chief of Data Base & Applications Development, who introduced Valerie Agwale, a new Programmer/Analyst, to the Commission.

**ITEM 3.**

**ACTION: Certificate of Need – Exceptions Hearing: Recommended Supplemental Decision in the Matter of a Proposed New Hospital in Montgomery County – Holy Cross Hospital of Silver Spring, Inc. (Docket No. 08-15-2286)**

Vice Chair Falcone introduced the exceptions hearing for the Montgomery County New Hospitals review. He stated that the Commission first issued a decision in this review on January 20, 2011, when the Commissioners voted to award a Certificate of Need to Holy Cross Hospital to establish a new 93-bed

acute care general hospital in Germantown, in upper Montgomery County, and to deny the application of Clarksburg Community Hospital to establish a new hospital in Clarksburg. This matter was appealed to the Circuit Court for Baltimore City, which remanded it to the Commission in order to give the Adventist Entities an opportunity to comment on certain data that was not included in the formal record in 2011. Commissioner Falcone noted that the Adventist Entities did not appeal the Commission's denial of the application of Clarksburg Community Hospital. For this reason, only Holy Cross Hospital's application was before the Commission.

The Vice Chair stated that the Adventist Entities filed comments on the data, and Holy Cross Hospital filed a response to those comments. On May 15, Dr. Marilyn Moon, who continued to serve as the Reviewer in this matter, issued a Recommended Supplemental Decision. He noted that the Adventist Entities filed exceptions to the Recommended Supplemental Decision, and that Holy Cross Hospital filed a response to those exceptions.

The Commission then heard oral argument on the exceptions. Howard Sollins, counsel to Adventist HealthCare, presented oral argument on behalf of the Adventist Entities and Thomas Dame presented argument on behalf of Holy Cross Hospital. Following the oral arguments, Dr. Moon stated that she had considered the written exceptions and oral arguments, but that her recommendation had not changed. She said that the proposed Germantown hospital is needed, that it will improve access to hospital services for residents of Upper Montgomery, and that the project is financially feasible and will be viable. She noted that, while there were miscalculations in the Commission's 2011 decision, they had been corrected in her Recommended Supplemental Decision. She stated that the proposed Germantown hospital meets all applicable requirements in the State Health Plan and CON review criteria and should be built.

Dr. Moon made a motion that the Commission adopt her Recommended Supplemental Decision, and re-issue a Certificate of Need to Holy Cross Hospital to establish a 93-bed acute care general hospital in Germantown. Dr. Moon's motion was seconded by Commission McLean and unanimously approved. Commissioner Kan recused himself from participation in this matter.

**ACTION: Certificate of Need in the Matter of a Proposed New Hospital in Montgomery County – Holy Cross Hospital of Silver Spring, Inc. (Docket No. 08-15-2286) – is hereby APPROVED.**

The Commission members took a recess at 11:50 a.m. and reconvened at 12:40 p.m. after a lunch. Commissioner Conway did not attend the remainder of the meeting.

#### **ITEM 4.**

#### **PRESENTATION: Outcomes of non-primary PCI at Hospitals with or without On-Site Cardiac Surgery: Clinical Findings of C-PORT E**

Thomas Aversano, M.D., presented the clinical findings of a study on non-primary PCI at hospitals with or without on-site cardiac surgery. Dr. Aversano stated that the C-PORT E study concluded that, with regard to adverse events that occur within six weeks, and within nine months after non-primary PCI, the incidence of death, myocardial infarction, bleeding, stroke, renal failure, and vascular repair is similar at hospitals with and without on-site cardiac surgery, provided that certain strict conditions were met regarding inclusion and exclusion criteria, physician experience, and staff training. In conclusion, Dr. Aversano said that in hospitals without on-site cardiac surgery that complete a formal PCI development program, adhere to C-PORT participation requirements, and whose outcomes are monitored, the outcomes of non-primary PCI are non-inferior to outcomes at hospitals with surgery on-site.

**ITEM 5.**

**ACTION: COMAR 10.24.11 – State Health Plan for Facilities and Services: General Surgical Services – Proposed Permanent Regulation**

Eileen Fleck, Program Manager, presented proposed permanent regulations to replace the Ambulatory Surgical Services Chapter of the State Health Plan. Ms. Fleck provided an overview of the State Health Plan revision process, and provided background information on the regulations for general surgical services. Following discussion, Commissioner Montgomery made a motion that the Commission approve COMAR 10.24.11– State Health Plan for Facilities and Services: General Surgical Services as proposed permanent regulation, which was seconded by Commissioner Weinstein and unanimously approved.

**ACTION: COMAR 10.24.11 – State Health Plan for Facilities and Services: General Surgical Services – is hereby APPROVED as Proposed Permanent Regulation.**

**ITEM 6.**

**BRIEFING: State Designated HIE – Virtual Health Record and Direct Use Case Demonstration**

A demonstration of the electronic virtual health record and the direct messaging application was made by David Sharp, Director for the Center of Health Information Technology, Scott Afzal, the Program Director for the statewide health information exchange – CRISP, and Kristen Bova, the Project Manager at CRISP. Dr. Sharp noted that these health information exchange services enable physicians to have access to available patient information at the point of care.

**ITEM 7.**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:40 p.m., upon motion of Commissioner Fleig, which was seconded by Commissioner Schneider and unanimously approved.