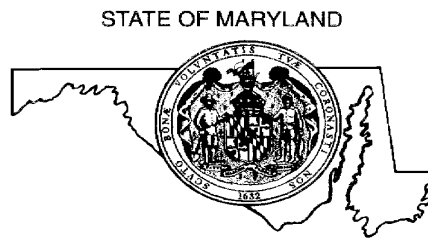


Craig P. Tanio, M.D.
CHAIR



Ben Steffen
EXECUTIVE DIRECTOR

MARYLAND HEALTH CARE COMMISSION

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Thursday, May 16, 2013

Minutes

Chairman Tanio called the meeting to order at 1:00 p.m.

Commissioners present: Conway, Falcone, Fleig, McLean, Montgomery, Stollenwerk, and Weinstein.
Commissioner Petty participated via telephone.

ITEM 1.

Approval of the Minutes

Commissioner Fleig made a motion to approve the minutes of the April 18, 2013 public meeting, which was seconded by Commissioner Falcone and unanimously approved.

ITEM 2.

Update of Activities

Ben Steffen, Executive Director, said that he was pleased to announce the appointment of Linda Bartnyska as the Director of the Center for Information Services and Analysis. Ms. Bartnyska introduced Arpit Misra, a new cost and quality health policy analyst for the Center for Information Services and Analysis, to the members of the Commission.

David Sharp, Director of the Center for Health Information Technology, announced that \$517,000 in funding would be made to four long term care facilities for health information technology.

Erin Dorrien, Chief of Government Relations and Special Projects, described the legislative studies that the Commission staff will undertake for 2013: a work group will be convened in July to conduct an evaluation of regional health planning and services available in rural areas; a final report on pilot palliative care programs (prepared by MHCC in consultation with the Office of Health Care Quality) will be due in December 2015; the Telemedicine Task Force is to be reconvened in July, with an interim report due in 2013 and a final report due in 2014; and Mercer will be conducting an initial study for the Step Therapy Work Group.

ITEM 3.

ACTION: Renewal of Primary PCI Waivers

- **Anne Arundel Medical Center (Docket No. 13-02-0067 WR)**

Eileen Fleck, Acting Chief of Hospital Specialized Services Policy and Planning, stated that Anne Arundel Medical Center had met the regulatory requirements of COMAR 10.24.17.05D(1) for institutional resources, physician resources, patient groups suitable for pPCI in settings without on-site cardiac surgery, institutional volume, and process and outcome measures for ongoing quality assessment. Staff recommended the issuance of a two-year renewal of the hospital's primary PCI waiver. Commissioner Fleig made a motion that the Commission approve the renewal of the waiver, which was seconded by Commissioner McLean and unanimously approved.

ACTION: Renewal of Primary PCI Waiver for Anne Arundel Medical Center (Docket No. 13-02-0067 WR) is hereby APPROVED.

- **Baltimore Washington Medical Center (Docket No. 13-02-0068 WR)**

Ms. Fleck stated that Baltimore Washington Medical Center had met the regulatory requirements of COMAR 10.24.17.05D(1) for institutional resources, physician resources, patient groups suitable for pPCI in settings without on-site cardiac surgery, institutional volume, and process and outcome measures for ongoing quality assessment. Staff recommended the issuance of a two-year renewal of the hospital's primary PCI waiver. Commissioner Fleig made a motion that the Commission approve the renewal of the waiver, which was seconded by Commissioner Montgomery and unanimously approved. Commissioner McLean was recused from consideration of this matter.

ACTION: Renewal of Primary PCI Waiver for Baltimore Washington Medical Center (Docket No. 13-02-0068 WR) is hereby APPROVED.

- **MedStar Franklin Square Medical Center (Docket No. 13-03-0069 WR)**

Ms. Fleck stated that MedStar Franklin Square Medical Center had substantially complied with the regulatory requirements of COMAR 10.24.17.05D(1) for institutional resources, physician resources, patient groups suitable for pPCI in settings without on-site cardiac surgery, institutional volume, and process and outcome measures for ongoing quality assessment during the past two years of its most recent waiver. The only compliance issue of concern was the drop in door to balloon (DTB) time performance in the second half of 2012. The Commission's Executive Director recommended that the Commission issue a two-year waiver renewal that permits MedStar Franklin Square Medical Center to provide primary percutaneous coronary intervention services without on-site cardiac surgery services with a condition that will allow closer quarterly monitoring of DTB time performance for the first year of the renewal period. Commissioner Fleig made a motion that the Commission approve the renewal of the waiver, which was seconded by Commissioner Falcone and unanimously approved.

ACTION: Renewal of Primary PCI Waiver for MedStar Franklin Square Medical Center (Docket No. 13-03-0069 WR) is hereby APPROVED with a condition for quarterly reporting on door to balloon time.

ITEM 4.

ACTION: Modification of Certificates of Need

- **Magnolia Gardens, LLC (Docket No. 11-16-2315)**

Joel Riklin, Acting Chief of Certificate of Need, informed the Commission that Magnolia Gardens, LLC filed a request for modification of its Certificate of Need that was approved on April 19, 2012. The requested modification is for a change in the financing mechanism and in the ownership of the building. The applicant, Genesis Health Care, sought approval to change financing to a conventional mortgage loan of \$14,175,000 (with the remaining \$6,151,389 provided in cash from the joint venture members), from the previously approved funding provided by the real estate investment trust, Health Care REIT, Inc. The applicant also sought approval for a change in ownership to Magnolia Gardens Real Estate, LLC, rather than Health Care REIT, Inc. Magnolia Gardens Real Estate, LLC will have the same ownership structure as the operator of the comprehensive care facility. Staff recommended approval of modification of the Certificate of Need, subject to the continued condition that Magnolia Gardens, LLC provide the Commission with a completed Memorandum of Understanding with the Maryland Medicaid Assistance Program agreeing to the minimum required level of Medicaid participation for Prince George's County. Commissioner Falcone made a motion that the Commission approve the modification, which was seconded by Commissioner McLean and unanimously approved.

ACTION: Modification of the Certificate of Need for Magnolia Gardens, LLC (Docket No. 11-16-2315) is hereby APPROVED.

- **Mid-Atlantic Waldorf, LLC (Docket No. 11-08-2325)**

Mr. Riklin said that Mid-Atlantic Waldorf, LLC ("Mid-Atlantic") filed a request for modification of a April 19, 2012 Certificate of Need to build a new 67-bed comprehensive care facility (CCF) to be known as Waldorf Nursing and Rehabilitation Center, which was to be developed in combination with a 90-bed assisted living facility in Charles County. The applicant requested approval to change the physical plant design of the project, specifically to proceed with development of a free-standing 67-bed nursing home while delaying development of the assisted living component, due to the continued weakness in the housing market in Charles County. The proposed changed facility would have increased square footage for CCF services. The modification request also includes an increase of the project cost for the CCF of 9.2%. Staff recommended that the Commission approve the proposed modification while retaining two conditions that were attached to the original CON approval. Commissioner McLean made a motion that the Commission approve the modification, which was seconded by Commissioner Montgomery and unanimously approved.

ACTION: Modification of the Certificate of Need for Mid-Atlantic Waldorf, LLC (Docket No. 11-08-2325) is hereby APPROVED.

ITEM 5.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:40 p.m., upon motion of Commissioner Fleig, which was seconded by Commissioner Conway and unanimously approved.