



## **MARYLAND HEALTH CARE COMMISSION**

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**Thursday, July 18, 2013**

### **Minutes**

Chairman Tanio called the meeting to order at 1:05 p.m.

Commissioners present: Barr, Conway, Falcone, Fleig, Fronstin, Kan, McLean, Montgomery, Peralta, Phillips, and Schneider

Chairman Tanio introduced the Commission's newly-appointed Commissioners: Dr. Michael Barr, Dr. Ligia Peralta, and Ms. Frances Phillips, and asked each to introduce themselves to the Commission members, staff, and attendees of the meeting.

### **ITEM 1.**

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

Commissioner Fleig made a motion to approve the minutes of the June 20, 2013 meeting, which was seconded by Commissioner Montgomery unanimously approved.

### **ITEM 2.**

#### **Update of Activities**

Ben Steffen, Executive Director, provided an update on the reorganization of the Commission's staff, noting that various centers have been renamed—the Center for Health Care Facilities Planning and Development (formerly Hospital Services); the Center for Health Information Technology and Innovative Care Delivery (formerly Health Information Technology) and a new Center for Quality and Reporting composed of the former Health Plan Quality and Performance and Long-Term Care Quality and Performance Center and the hospital quality reporting initiative (previously in the Center for Hospital Services).

David Sharp, Director of the Center for Health Information Technology and Innovative Care Delivery, introduced Melanie Cavaliere, the new Program Manager for the Patient Centered Medical Home program.

Srinivas Sridhara, Acting Chief of Cost and Quality Analysis, provided updates on the Medical Care Data Base (which will include an All Payer Claims Data Base) and on the Health Care Workforce Study being undertaken by the Commission in conjunction with the Governor's Office of Health Care Reform.

### ITEM 3.

#### **ACTION: Certificate of Need – Exceptions Hearing on Recommended Decision – Seasons Hospice & Palliative Care of Maryland (Docket No. 11-03-2318)**

Chairman Tanio announced that the Commission would conduct an exceptions hearing on the Recommended Decision issued by Commissioner Conway regarding the CON application of Seasons Hospice and Palliative Care of Maryland, Inc. to establish a 16-bed general inpatient hospice unit in space leased from MedStar Franklin Square Medical Center. Dr. Tanio recused himself from consideration of this matter and Vice Chair Falcone conducted the exceptions hearing.

The Reviewer, Commissioner Conway, made initial remarks. The Commission then heard arguments on exceptions filed by Gilchrist Hospice Care, Inc. and Stella Maris, Inc., interested parties in the review. The first argument was presented by Peter P. Parvis of Venable LLP, counsel for Gilchrist, who argued that Seasons' application should be denied. Thomas C. Dame of Gallagher, Evelius & Jones, representing Stella Maris, also presented argument urging the Commission to reject the Recommended Decision and deny Seasons' application. Howard L. Sollins of Ober, Kaler, Grimes & Shriver, representing Seasons Hospice, responded to the arguments made by Gilchrist and Stella Maris, and argued in favor of the Recommended Decision.

Commissioner Conway said that he had not changed his recommendation as a result of the oral arguments. He made a motion that the Commission adopt his Recommended Decision, which was seconded by Commissioner Barr. Following discussion and a response by Paul Parker, Director of Center for Health Care Facilities Planning and Development, to the Commissioners' request for certain information, counsel for the parties presented additional argument. The Recommended Decision was adopted by the Commission, with Commissioners Barr, Conway, Fronstin, Kan, McLean, and Phillips voting in favor of the motion, and Commissioners Fleig, Montgomery, and Schneider voting against the motion.

**ACTION: Certificate of Need –Seasons Hospice & Palliative Care of Maryland (Docket No. 11-03-2318) is hereby APPROVED.**

### ITEM 4.

#### **PRESENTATION: Practitioner Services Utilization Report**

Claudia Shur and Lan Zhao from Social and Scientific Systems presented initial results from this year's Practitioner Utilization Report. The report summarizes trends and variations in payment rates for health care services provided by physicians and other professionals to privately insured, nonelderly residents of Maryland. The report is based on health care claims and encounter data from the Medical Care Data Base (MCDB), Maryland's All Payer Claims Database.

### ITEM 5.

#### **ACTION: Proposed Permanent Regulations - COMAR 10.32.19 – Disclosure of Records to State Health Agencies**

Suellen Wideman, Assistant Attorney General, presented proposed permanent regulations that will govern the disclosure of records held by the Board of Physicians upon a request made by the Maryland Health Care Commission, the Health Services Cost Review Commission, the Office of Health Care Quality, or the Secretary of the Department of Health and Mental Hygiene. The proposed regulations will be jointly adopted by the Commission, the Board of Physicians, the Health Services Cost Review Commission, and the Secretary of the Department of Health and Mental Hygiene. Commissioner Schneider made a motion

that the Commission adopt the regulations as proposed permanent regulations, which was seconded by Commissioner Montgomery and unanimously approved.

**ACTION: ADOPTION of Proposed Regulations – COMAR 10.32.19 - Disclosure of Records to the State Health Agencies is hereby ADOPTED as Proposed Permanent Regulations**

**ITEM 6.**

**ACTION: Proposed Permanent Regulations – COMAR 10.24.09 - State Health Plan for Facilities and Services: Acute Inpatient Rehabilitation Services**

Eileen Fleck, Acting Chief of Specialized Services Policy and Planning, presented regulations to replace the Acute Inpatient Rehabilitation Services Chapter of the State Health Plan. Ms. Fleck said that the Commission convened an Acute Rehabilitation Work Group that met four times during 2011 and 2012 to consider changes to the existing chapter of the State Health Plan. In February 2013, Staff posted a draft Chapter on the Commission's website, with informal public comments due on March 27, 2013. Ms. Fleck reviewed a summary of the informal comments received on the draft regulations and noted that Staff had made some changes as a result the comments. She requested that the Commission adopt the replacement Chapter as proposed permanent regulations. Commissioner Falcone made a motion that the Commission adopt as proposed permanent regulations Staffed recommended replacement to COMAR 10.24.09 - State Health Plan for Facilities and Services: Acute Inpatient Rehabilitation Services. The motion was seconded by Commissioner Barr. Commissioner Phillips asked about Charity Care Policy and requested that the Commission uniformly enforce those policies in all requests for Certificate of Need. The Commission unanimously approved adoption of the proposed permanent regulations.

**ACTION: Proposed Permanent Regulations – COMAR 10.24.09 - State Health Plan for Facilities and Services: Acute Inpatient Rehabilitation Services is hereby ADOPTED.**

**ITEM 7.**

**ACTION: Renewal of Primary PCI Waiver – MedStar Southern Maryland Hospital Center (Docket No. 13-16-0071 WR)**

Ms. Fleck also presented the staff report and recommendation of MedStar Southern Maryland Hospital Center for renewal of its waiver to provide primary PCI services without on-site cardiac surgery services. Ms. Fleck briefed the Commission on staff's report, which concluded that MedStar Southern Maryland Hospital Center had met the regulatory requirements of COMAR 10.24.17.05D(1) for 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. Chairman Tanio noted that the door-to-balloon time variability for MedStar Southern Maryland Hospital Center was higher than that of other waiver applicant hospitals. Eva McVeigh of MedStar Southern Maryland Hospital Center responded that the hospital staff found that low volume in particular months had a large impact on the statistics and that, in addition to seasonal variation, stroke and cardiac patients' co-morbidity also affected the statistical results. Staff recommended the issuance of a two-year renewal of the hospital's primary PCI waiver. Commissioner Montgomery made a motion that the Commission approve renewal of the waiver, which was seconded by Commissioner Barr. The Commission then voted to approve the renewal waiver and asked that the Hospital report to Commission staff on its door-to-balloon time performance for two quarters, noting any reasons for failure to meet the door-to-balloon time standard. It was also requested that Commission staff let the Commission know the results of this additional reporting once completed.

**ACTION: Renewal of Primary PCI Waiver for MedStar Southern Maryland Hospital Center (Docket No. 13-16-0071 WR) is hereby APPROVED.**

## **ITEM 8.**

### **ADJOURNMENT**

Chairman Tanio announced that the Commission would not meet in August and that the next meeting would be held on September 19, 2013. There being no further business, the meeting was adjourned at 3:57 p.m. upon motion of Commissioner Fleig, which was seconded by Commissioner Montgomery and unanimously approved.