

**Craig P. Tanio, M.D.**  
CHAIR



**Ben Steffen**  
EXECUTIVE DIRECTOR

## **MARYLAND HEALTH CARE COMMISSION**

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**Thursday, July 17, 2014**

### **Minutes**

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

Commissioners present: Barr, Falcone, Fleig, Fronstin, McHale, McLean, Stollenwerk, and Thomas. Commissioners Peralta and Phillips participated via telephone.

Chairman Tanio introduced and welcomed the Commission's newly-appointed Commissioner, Dr. Stephen Thomas.

Chairman Tanio noted that Agenda Item #3 regarding a Certification of Need application by Seasons Hospice and Palliative Care of Maryland, Inc. was removed from today's agenda at the applicant's request.

### **ITEM 1.**

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

Commissioner Barr made a motion to approve the minutes of the June 19th public meeting of the Commission, which was seconded by Commissioner Fleig and unanimously approved.

### **ITEM 2.**

#### **Update of Activities**

Ben Steffen, Executive Director, announced that staff will submit a grant to CMS/CCIIO for the Maryland Rate Review Grant Cycle IV on or before Monday, July 21, 2014. Mr. Steffen recognized and thanked staff for their hard work over the past several weeks for meeting all deadlines for the grant submission. Staff has also worked collaboratively with the Department of Health and Mental Hygiene on the Maryland State Innovation Model grant.

Bruce Kozlowski, Director of the Center for Quality Measurement and Reporting, provided a brief update related to the 2014 Quality Report: Comparing the Performance Maryland's Commercial Health Benefit Plans. Mr. Kozlowski said that staff conducted carrier-specific Religion Ethnicity Language and Cultural Competency ("RELICC") Webinars with the

MidAtlantic Business Group on Health/National Business Coalition on Health to provide each carrier with a review of its 2014 RELICC performance results prior to its public release. He noted that Scharmaine Robinson would provide highlight of the report at the September public meeting of the Commission.

David Sharp, Director of the Center for Health Information Technology and Innovative Care Delivery, said that the online advance directive registry will go live on July 21, 2014. The Registry will allow consumers to create and maintain their advance directives through a secure website and will also allow health care providers to search the CRISP query portal to retrieve patients' advance directives.

### **ITEM 3.**

#### **ACTION: Exemption from Certificate of Need: Merger of Hospice of Queen Anne's, Inc. and the hospice operations of Chester River Home Care and Hospice, LLC**

University of Maryland Shore Regional Health, Inc and the Hospice of Queen Anne's Inc. filed a request for an exemption from Certificate of Need review that involved a proposed merger of the Hospice of Queen Anne's and the hospice operations of Chester River Home Care and Hospice which will take place through an asset purchase agreement. Kevin McDonald, Chief of Certificate of Need, presented the staff recommendation. Mr. McDonald said that staff recommended that the Commission approve the proposed consolidation of the hospice services currently provided by Hospice of Queen Anne's and Chester River Home Care and Hospice. He noted that the merged hospice, if approved, would be authorized to service the residents of Kent and Queen Anne's Counties. Staff recommended that the Commission find this action to be exempt from Certificate of Need review. Commissioner Montgomery made a motion to approve the staff recommendation, which was seconded by Commissioner Barr and unanimously approved.

#### **ACTION: Exemption from Certificate of Need: Merger of Hospice of Queen Anne's, Inc. and the hospice operations of Chester River Home Care and Hospice, LLC is hereby APPROVED.**

### **ITEM 4.**

#### **ACTION: Certificate of Need/Change in Approved Project: 700 Toll House Avenue Operations, LLC d/b/a College View Center (Docket No. 12-10-2336)**

Bill Chan, Health Policy Analyst, presented the staff recommendation on the request by College View for a modification of its approved Certificate of Need. Mr. Chan said that College View requested an increase in its total project costs by approximately \$1.35 million, which would bring the total project cost to \$20,466,811. He said that the project cost increase is due to: construction bids exceeding the pre-bid construction cost estimates by \$491,000; site preparation costs increasing by \$286,500; and equipment cost increasing by approximately \$128,000. Mr. Chan said that capitalized construction interest costs are estimated at almost \$1.05 million above the original estimate of \$990,000 due to project delays caused by the need for additional surveys. After review, staff recommended approval of the CON modification request. Commissioner Stollenwerk made a motion to approve the staff recommendation, which was seconded by Commissioner Barr and unanimously approved.

**ACTION: Certificate of need/Change in Approved Project: 700 Toll House Avenue Operations, LLC d/b/a College View Center (Docket No. 12-10-2336) is hereby APPROVED.**

**ITEM 5.**

**ACTION: Certificate of Need: Rockville Eye Surgery, LLC d/b/a Palisades Eye Surgery Center**

Kevin McDonald presented the staff recommendation on the request by Palisades Eye Surgery for a Certificate of Need to establish an ambulatory surgical facility with three operating rooms in Montgomery County. Mr. McDonald said that the proposed replacement facility would involve the renovation and equipping of 9,178 square feet of shell space, and would house two non-sterile procedure rooms for eye procedures that involve the use of laser devices. He said that the total estimated cost of the project is approximately \$3.64 million, which will be funded with debt and cash reserves. After review, staff recommended approval of the Certificate of Need with a condition requiring that Palisades Eye Surgery Center update and outline in more details its plan for meeting the charity care requirement in its operation of the replacement facility prior to first use review. Chairman Tanio asked staff to review where other facilities have made a commitment to meeting the requirement for charity care and provide the Commission with a summary on those results. Commissioner Barr made a motion to approve the staff recommendation, which was seconded by Commissioner Fronstin and unanimously approved.

**ACTION: Certificate of Need: Rockville Eye Surgery, LLC d/b/a Palisades Eye Surgery Center is hereby APPROVED.**

**ITEM 6.**

**ACTION: COMAR 10.24.17 – State Health Plan for Facilities and Services: Cardiac Surgery and Percutaneous Coronary Intervention Services – Final Regulations**

Eileen Fleck, Chief of Acute Care Policy and Planning, presented a summary of the comments received and staff recommendations on the proposed permanent regulations for Cardiac Surgery and PCI Services. Ms. Fleck noted that the proposed regulations were approved at the April 17<sup>th</sup> public meeting of the Commission, and posted on the Commission's website for public comment on May 30, 2014. She said that six organizations commented during the formal comment period and that the comments were available on the Commission's website. Staff recommended certain non-substantive changes to the regulations, and recommended that the Commission adopt COMAR 10.24.17 as final regulations. Commissioner McLean made a motion that the Commission adopt COMAR 10.24.17 as permanent regulations, which was seconded by Commissioner Barr and unanimously approved.

## **ITEM 7.**

### **ACTION: COMAR 10.25.15 – Management Services Organization State Designation – Final Regulations**

Sarah Orth, Chief of Health Information Technology, presented COMAR 10.25.14 for consideration as final regulations that would apply to the State Designation of Management Service Organizations. Ms. Orth noted that proposed regulations were adopted by the Commission at its April 17, 2014 public meeting. She pointed out that, as discussed at the April 17<sup>th</sup> meeting, the requirements of the previous regulations had become outdated. Staff considered input from its MSO Advisory Panel to ensure continued alignment with new health care reform initiatives, while allowing for innovations available with new technologies. Ms. Orth said that the proposed regulations were published in the May 30, 2014 issue of the Maryland Register, and that no comments were received during the formal comment period. Staff recommended that the Commission adopt the regulations as final. Commissioner Fronstin made a motion that the Commission adopt COMAR 10.25.15 as permanent regulations, which was seconded by Commissioner Fleig and unanimously approved.

### **ACTION: COMAR 10.25.15 – Management Services Organization State Designation – Final Regulations are hereby APPROVED.**

## **ITEM 8.**

### **PRESENTATION: Maryland Nursing Home, Assisted Living Facility, and Hospital Health Care Worker Influenza Vaccination Rates 2013-2014**

Carol Christmyer, Chief of Long-Term Care Quality Performance, and Evanson Mukira, Program Manager of Hospital Quality and Performance, presented the findings of the Health Care Worker Influenza Vaccination Survey. Ms. Christmyer said that 230 nursing homes, 334 assisted living facilities, and 46 hospitals completed the online survey. The survey included documented vaccinations received or reported during the flu season beginning October 1, 2013 and ending March 31, 2014. Ms. Christmyer said there was a 13% increase in one year in the number of nursing homes meeting the StateStat goal, which is 60% or greater and exceeds the CDC national estimated rate for health care workers in long term care of 52.6%. She noted that Maryland exceeds the CDC national estimated rate for health care workers of 62.9% in all settings. She said that the Maryland vaccination rate for health care workers in assisted living facilities was also higher than the CDC national estimated rate, however, lags behind the Maryland Nursing Home and Hospital health care worker's rates. Ms. Christmyer said that nine nursing homes achieved a 100% vaccination rate, and 54 nursing homes had vaccination rates above 95%; therefore, those nursing homes received "Gold Star Certification."

Mr. Mukira presented the results of the 2013-2013 Hospital Health Care Worker Influenza Vaccination Survey. He said the results showed continue improvement in hospital vaccinations rates. He noted that the 2013-2014 statewide flu vaccination rates for hospital employees is 96.5%. This represents a slight increase over last year and an 18% increase in comparison to the first report period, which was the 2009-2010 flu season. Mr. Mukira also said that 44 hospitals are at or above 85% of health care workers receiving vaccinations, which continues to increase and that 45 hospitals have a mandatory vaccination policy, up from 37 for the 2012-2013 reporting year. The average of number employees declining vaccinations has declined from 4.5% to 3.5%.

## **ADJOURNMENT**

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