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CHAIR



Ben Steffen  
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## **MARYLAND HEALTH CARE COMMISSION**

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**Thursday, September 18, 2014**

### **Minutes**

Chairman Tanio called the meeting to order at 1:22 p.m.

Commissioners present: Barr, Falcone, Fleig, Fronstin, Kan, McHale, McLean, Montgomery, Phillips, Schneider, Stollenwerk, and Thomas. Commissioner Weinstein participated via the teleconference.

### **ITEM 1.**

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

Commissioner Montgomery made a motion to approve the minutes of the July 17th public meeting of the Commission, which was seconded by Commissioner Barr and unanimously approved.

### **ITEM 2.**

#### **Update of Activities**

David Sharp, Director of the Center for Health Information Technology and Innovative Care Delivery, said that the Commission was seeking applicants for three telemedicine grants of \$30,000 each. Applications were due no later than September 5<sup>th</sup>. Dr. Sharp also announced that the Commission had reconvened the Telemedicine Task Force; that a presentation on its work would be made at the October Commission meeting; and that a report on the Task Force's activities was due to the General Assembly on December 1<sup>st</sup>.

Paul Parker, Director of the Center for Health Care Facilities, provided information for a question posed by Chairman Tanio on the ability of the staff to monitor ambulatory surgery facilities' (ASF) compliance with charity care conditions that the Maryland Health Care Commission incorporates in ASF certificate of need actions. Mr. Parker said that the minimum average level of charity care reported for all free standing ambulatory surgical facilities of 1.2% of total operating expenditures.

### ITEM 3.

**ACTION: Exemption from Certificate of Need: Merger of Hospice of Queen Anne's, Inc. and the general hospice operations of Care Health Services, Inc., d/b/a Shore Home Care and Hospice**

University of Maryland Shore Regional Health, Inc. and Hospice of Queen Anne's, Inc. filed a request for an exemption from Certificate of Need review involving a proposed merger of the Hospice of Queen Anne's and the hospice operations of Shore Home Care and Hospice which, if approved, will take place through an asset purchase agreement. Kevin McDonald, Chief of Certificate of Need, presented the staff recommendation. Mr. McDonald recommended that the Commission approve as Exempt from Certificate of Need the proposed consolidation of hospice services currently provided by Hospice of Queen Anne's, Inc. and Shore Home Care and Hospice, with the resulting merged hospice being authorized to serve the residents of Talbot, Caroline, Kent, and Queen Anne's Counties, with a condition that Care Health Services, Inc., d/b/a Shore Home Care and Hospice will provide evidence to the Commission that it has surrendered its license for the provision of hospice services in Caroline and Talbot Counties upon issuance by the Office of Health Care Quality of a modification to its license that permits the Hospice of Queen Anne's to provide hospice services in Caroline County and in Talbot County. Commissioner Kan made a motion that the Commission accept the staff recommendation, which was seconded by Commissioner Barr. Following discussion, the Commission unanimously approved the Exemption from Certificate of Need.

**ACTION: Exemption from Certificate of Need: Merger of Hospice of Queen Anne's, Inc. and the general hospice operations of Care Health Services, Inc., d/b/a Shore Home Care and Hospice is hereby APPROVED.**

### ITEM 4.

**ACTION: Certificate of Need: Talbot Hospice Foundation (Docket No. 14-20-2353)**

Chairman Tanio announced that Talbot Hospice Foundation (THF) sought a Certificate of Need to establish a general hospice serving Talbot County. Mr. McDonald presented the staff recommendation. He noted that Talbot Hospice Foundation currently operates a limited hospice and this project, if approved, would allow it to establish a general hospice with its expanded services, including the provision of skilled-medical, nursing, and other supportive care for terminally ill patients. Mr. McDonald said that staff recommended approval of the Certificate of Need with two conditions: Care Health Services, Inc., d/b/a Shore Home Care and Hospice, must provide evidence to the Commission that it has relinquished its general hospice license upon THF's licensure as a general hospice; and Talbot Hospice Foundation must abide by OHQC's determination of the proper licensure state for its "Guest Wing," which is currently licensed as an assisted living facility but would be more appropriately licensed as a hospice house. He noted that if THF were granted a CON to establish a general hospice, it would qualify to be the licensee of a hospice house. Commissioner Barr made a motion that the Commission accept the Staff Recommendation, which was seconded by Commissioner Fleig. A discussion followed regarding the impact of a memorandum of understanding between HQA and THF under which HQA agreed not to serve hospice patients in Talbot County if THF becomes operational as a general hospice. THF stated that HQA could still serve pediatric patients originating in Talbot County, by getting approval from the Executive Director to serve a specific patient. Staff noted that the exemption from CON approved by the Commission in the previous

agenda item would authorize HQA to serve any hospice patient in Talbot County and that the agreement between HQA and THF was viewed by staff as an issue between the two organizations that was neither endorsed nor rejected in the actions staff recommended to the Commission. Staff clarified that the merger of HQA and the hospice operations of Care Health Services, Inc., d/b/a Shore Home Care and Hospice was recommended for approval with the understanding that it granted HQA authority to serve Talbot County and would allow referral of any hospice patient from THF to HQA without the Executive Director's case-by-case review and approval because both would have authority to serve Talbot County. Any terms of the agreement between THF and HQA would not alter the Commission's grant of authority to HQA. The Certificate of Need was unanimously approved. The Commissioners requested that, within six months, staff provide follow-up information regarding the provision of hospice services in Talbot County, including referrals and transfers between THF and HQA.

**ACTION: Certificate of Need: Talbot Hospice Foundation (Docket No. 14-20-2353) is hereby APPROVED.**

#### **ITEM 5.**

**ACTION: Formation of the Cardiac Standing Advisory Committee and Update on Regulatory Oversight**

Eileen Fleck, Chief of Acute Care Policy and Planning, briefed the Commission on formation of the Cardiac Services Advisory Committee. The new Cardiac Surgery and PCI Services chapter of the State Health Plan provides that this Committee will be selected by the Commission. The regulations provide that the Committee is to include representatives of providers of cardiac surgery, providers of PCI services, a representative of the Maryland Institute for Emergency Medical Services Systems, representatives of the Maryland Chapter of the American College of Cardiology and the Maryland Chapter of the Society of Thoracic Surgeons, and other clinical experts as needed. This technical committee will provide recommendations on the development of the external review program and implementation of the program for ongoing performance review. Ms. Fleck also provided an update on the other activities underway as the new regulatory oversight process for cardiac surgery and PCI services is being implemented. Following discussion, Chairman Tanio made a motion that the Commission approve the membership of the Cardiac Standing Advisory Committee with the addition of one or more representatives giving broader input by consumers and other stakeholders, which was seconded by Commissioner Fronstin and unanimously approved.

**ACTION: Formation of the Cardiac Standing Advisory Committee is hereby APPROVED.**

#### **ITEM 6.**

**PRESENTATION: Current Activities and Future Plans of the Maryland Patient Safety Center**

Chairman Tanio noted that in 2003 the MHCC established the Maryland Patient Safety Center by designating the Maryland Hospital Association and the Delmarva Foundation as the organizers of the Center through a Request for Proposal (RFP) process. In 2009, the MHCC designated MHA to continue operation of the Maryland Patient Safety Center. The process of designating an organization to operate the Center for the next 5 years has just begun. Bruce Kozlowski, co-

Director of the Center for Quality Measurement and Reporting, provided the Commission with a briefing on the history and the development of the Maryland Patient Safety Initiative. Robert Imhoff, President and CEO of the Maryland Patient Safety Center, presented on the current activities and future plans of the Center. Following the presentations, Mr. Steffen announced that the process for designating an organization to operate the Maryland Patient Safety Center for the next five years will be posted on the Commission's website.

#### **ITEM 7.**

#### **PRESENTATION: Maryland Health Care Commission Consumer Edition Quality Report 2014: Comparing the Performance of Maryland's Commercial Health Benefit Plans**

This presentation was postponed until the October meeting of the Commission.

#### **ITEM 8.**

#### **Overview of Upcoming Initiatives**

Ben Steffen presented a summary of upcoming initiatives, including the unveiling of a new MHCC website next month. The new site will feature separate portals for the health care professional community and for health care consumer information, including a long awaited improvement to the hospital guide. In addition, staff will present details on the design of the Assignment of Benefits study and, at Chairman Hammen's request, will convene a new health care provider, payer, and consumer work group.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:25 p.m. upon motion of Commissioner Barr, which was seconded by Commissioner Montgomery and unanimously approved.