

Craig P. Tanio, M.D.  
CHAIR



Ben Steffen  
EXECUTIVE DIRECTOR

## MARYLAND HEALTH CARE COMMISSION

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**Thursday, December 18, 2014**

### **Minutes**

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

Commissioners present: Barr, Falcone, Fronstin, McLean, Montgomery, Phillips, Stollenwerk, Thomas, and Weinstein. Commissioner Schneider participated via telephone.

### **ITEM 1.**

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

Commissioner Falcone made a motion to approve the minutes of the November 20th public meeting of the Commission, which was seconded by Commissioner Montgomery and unanimously approved.

### **ITEM 2.**

#### **Update of Activities**

Ben Steffen, Executive Director, said that the Centers for Medicare and Medicaid Services (CMS) announced the award of the 11 SIM Model testing grants, Maryland was not a winner of the testing grant but did receive an additional \$2.5 mil for SIM development activities. Mr. Steffen said the Commission worked very closely with the Department on the previous SIM application and will continue to work with the Department on the development activities.

Theresa Lee, Co-Director of the Center for Quality Measurement and Reporting, provided an update on the Commission's new Health Care Quality Reports website. Ms. Lee said that the MHCC issues a press release on the new website on December 2<sup>nd</sup>. She also said that the Baltimore Sun, and the Baltimore Business Journal published articles regarding the new website. Ms. Lee said that Ben Steffen was interviewed by Joce Sterman of ABC Channel 7 News to talk about the launch of the new Health Care Quality Reports website and that, since the interview, the website received over 900 hits. Ms. Lee said that staff will continue various strategies to enhance public awareness.

Paul Parker, Director of the Center for Health Care Facilities Planning and Development, advised the Commission that staff is in the process of updating the State Health Plan Chapter for Home Health Agency Services. Mr. Parker said that a Home Health Agency Advisory Group will be convened in late January or early February and that participants on the Advisory Group will consist of representatives from Maryland agencies, as well as payers, consumers, and State and federal regulatory agencies. He invited Commissioners to provide recommendations on possible Advisory Group members or to let him know if they had an interest in participating.

### **ITEM 3.**

#### **ACTIONS: Certificates of Conformance for Elective PCI Services**

Paul Parker, Director of Health Care Facilities Planning and Development, and Eileen Fleck, Chief of Acute Care Policy and Planning, presented the staff's recommendation on two hospital applications for Certificates of Conformance to establish elective percutaneous coronary intervention (PCI) services. Mr. Parker provided background information, noting that most PCI cases in Maryland are performed in the ten hospitals that provide cardiac surgery and both types of PCI services. He said that, in the last two decades, research studies have shown that both emergency and elective PCI services can, under appropriate conditions, be safely and effectively provided in hospitals without on-site cardiac surgery. He noted that, under certain circumstances and for appropriate patients, the studies have shown that non-cardiac surgery hospitals can achieve levels of patient safety, with respect to mortality and complication rates, comparable to the performance achieved in cardiac surgery hospitals. Mr. Parker said that five Maryland hospitals are currently authorized to provide only primary (emergency) PCI services. Two of those hospitals, Carroll Hospital Center and University of Maryland Upper Chesapeake Medical Center, are the first two applicants for Certificates of Conformance to establish elective PCI services.

Ms. Fleck said that Carroll Hospital Center and University of Maryland Upper Chesapeake Medical Center each obtained its initial one-year waiver to provide primary PCI services in 2008. She said that each facility was qualified to submit an application for a Certificate of Conformance to establish elective PCI services because each provided primary PCI in accordance with established standards for more than two years. Ms. Fleck noted that each facility had received three waiver renewals of two years duration, reflecting each hospital's compliance with the performance standards used by the Commission for issuance of emergency PCI waivers prior to the 2012 law and the Commission's new Cardiac Surgery and PCI Services Chapter. She said that the University of Maryland Upper Chesapeake Medical Center's waiver for emergency PCI services was renewed in March 2013 and that Carroll Hospital Center's waiver was renewed in September 2013. After review of the applications, staff concluded that, as detailed in the staff report, each hospital provides a distinct advantage for geographic accessibility to primary PCI services in north central Maryland, and each has successfully established and maintained a primary PCI program in conformance with the standards established by the Commission for primary PCI in the non-cardiac surgery hospital setting. Each hospital demonstrated compliance with applicable review criteria and standards.

#### **• Carroll Hospital Center**

Commissioner Falcone made a motion to issue a Certificate of Conformance to Carroll Hospital Center permitting it to establish elective PCI services, which was seconded by Commissioner Barr and unanimously approved.

**ACTION: Approval of Certificate of Conformance for Elective PCI Services: Carroll Hospital Center is hereby APPROVED.**

**• University of Maryland Upper Chesapeake Medical Center**

Commissioner Barr made a motion to issue a Certificate of Conformance to the University of Maryland Upper Chesapeake Medical Center permitting it to establish elective PCI services, which was seconded by Commissioner Montgomery, and unanimously approved.

**ACTION: Approval of Certificate of Conformance for Elective PCI Services: University of Maryland Upper Chesapeake Medical Center is hereby APPROVED.**

**ITEM 4.**

**PRESENTATION: Operations, Utilization, and Financial Performance of Freestanding Medical Facilities**

Ms. Fleck and Mr. Parker presented a preview of a report on the operations, use, and financial performance of freestanding medical facilities or, as they are more commonly known, freestanding emergency centers. Ms. Fleck said that legislation that was passed in 2010 directed the Health Services Cost Review Commission (HSCRC) to set rates for two pilot freestanding medical facilities. She said that the legislation also prohibited the development of additional freestanding facilities unless the MHCC issues a Certificate of Need for such a facility after July 1, 2015. The Commission was also directed, in consultation with the HSCRC, to study the impact of the HSCRC rate setting on the freestanding medical facilities. Ms. Fleck provided the following preliminary conclusions: (1) regulating payment for freestanding medical facilities does not guarantee that they will be financially self-sufficient; (2) freestanding medical facilities serve a patient population that has lower acuity compared with the population served by hospital emergency departments; (3) the establishment of the Germantown Emergency Center quickly reduced the volume of emergency department visits at Adventist HealthCare Shady Grove Medical Center and the reduction has been maintained over time; and (4) for Queen Anne's Emergency Center, there was not a reduction in emergency department visits at the parent hospital, University of Maryland Shore Medical Center in Easton. Staff will work closely with the HSCRC on the financial performance information and request that HSCRC staff attend the Maryland Health Care Commission's January public meeting since the full report will be considered for approval at that time.

**ITEM 5.**

**ACTION: MRI Self-Referral Study**

Srinivas Sridhara, Chief of Cost and Quality Analysis, and Erin Dorrien, Chief of Government and Public Affairs, reviewed the results of the MRI Self-Referral Study, which was completed by the Commission's contractor, Mary Jo Braid-Forbes, President of Braid-Forbes Health Research. Ms. Braid-Forbes presented the findings at the November Commission meeting. The scope of the report is consistent with Chairman Hammen's letter. The report does not contain any recommendations regarding continuation or repeal of the Maryland self-referral law. Following discussion, Commissioner Barr made a motion to release the report, which was seconded by Commissioner Montgomery and unanimously approved. Commission staff was directed to send

a detailed cover letter, outlining limitations of the study, with the report.

**ACTION: MRI Self-Referral Study is hereby approved for release**

**ITEM .6**

**ACTION: Re-designation of the Maryland Patient Safety Center, Inc.**

Bruce Kozlowski, Co-Director of the Center for Quality Measurement and Reporting, provided background information regarding the Maryland Patient Safety Center, Inc., which the Commission has previously designated as Maryland's patient safety center. Mr. Kozlowski said that staff recommended re-designation of the Maryland Patient Safety Center, Inc. effective December 31, 2014 through December 31, 2019, conditioned on the it remaining in good standing and that the proposed Memorandum of Understanding be executed as proposed. Commissioner Barr made a motion to approve the re-designation and authorizing the Executive Director to sign the Memorandum of Understanding, which was seconded by Commissioner Weinstein and unanimously approved

**ACTION: Re-designation of the Maryland Patient Safety Center, Inc. is hereby APPROVED.**

**ITEM 7.**

**PRESENTATION: Assignment of Benefits Study Results**

Dr. Claudia Schur, Vice President and Director of the Center for Health Research and Policy at Social and Scientific System, Inc., presented study results of the Assignment of Benefits Baseline Report and outlined recommendations that will be contained in the final report. The staff will present the final report at the January meeting, so that report can be submitted to the General Assembly shortly after January 15th.

**ITEM 8.**

**ACTION: Certificate of Need: Seasons Hospice & Palliative Care of Maryland, Inc. (Docket No. 13-24-2346)**

Chairman Tanio recused himself from consideration of this matter. Vice Chairman Falcone chaired the remainder of the meeting. Kevin McDonald, Chief of Certificate of Need, presented the staff report and recommendation on the application filed by Seasons Hospice and Palliative Care of Maryland to increase its bed capacity by establishing a 12-bed general inpatient hospice unit to be operated in 9,125 square feet of leased space at Sinai Hospital in Baltimore City for a total project cost of \$1,388,371. Staff recommended approval of the proposed project. Following discussion, Commissioner Thomas made a motion to approve the Certificate of Need application, which was seconded by Commissioner Fronstin and unanimously approved.

**ACTION: Certificate of Need: Seasons Hospice & Palliative Care of Maryland, Inc. (Docket No. 13-24-2346) is hereby APPROVED**

## **ITEM 9.**

### **Overview of Upcoming Initiative**

Mr. Steffen stated that Staff anticipated that, at its January meeting, the Commission would consider reports regarding Assignment of Benefits, Freestanding Medical Facilities, and nursing home projects, as well as consideration of an application by Aetna for a single carrier patient centered medical home program. In addition, staff will provide an update regarding the formation of the provider and carrier workgroup.

## **ITEM 10.**

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:45 p.m. upon motion of Commissioner Barr, which was seconded by Commissioner Montgomery and unanimously approved.