

Craig P. Tanio, M.D.
CHAIR



Ben Steffen
EXECUTIVE DIRECTOR

MARYLAND HEALTH CARE COMMISSION

4160 PATTERSON AVENUE – BALTIMORE, MARYLAND 21215
TELEPHONE: 410-764-3460 FAX: 410-358-1236

Tuesday, October 20, 2016

Minutes

Chairman Tanio called the meeting to order at 1:10 p.m.

Commissioners present: Carr-York, Fleig, Hafey, Moffit, O'Connor, O'Grady, Phillips, Sergent, Stollenwerk, and Tomarchio. Commissioner Metz participated via telephone.

ITEM 1.

Approval of the Minutes

Commissioner Fleig made a motion to approve the minutes of the September 20, 2016 meeting of the Commission, which was seconded by Commissioner Carr-York and unanimously approved.

ITEM 2.

Update of Activities

Ben Steffen announced that staff had planned to bring the freestanding medical facility regulations to the Commission for consideration; however, after discussions with legislative staff, the regulations are expected to be on the Commission's November agenda. Mr. Steffen also noted that, in response to the legislature's request to evaluate a proposed insurance mandate, staff sought assistance from an actuarial services consultant regarding coverage for digital tomosynthesis mammography and coverage for diagnosis and treatment of lymphedema. He said that the General Assembly also requested that the Commission evaluate long-term antibiotic treatment for Lyme disease. Mr. Steffen also noted that the Commission received grant funds from CCHIO to promote medical pricing transparency to help consumers make informed decisions about their health care coverage. He said that the MHCC's contractor will be displaying an updated version of the prototype and that staff will schedule a webinar and invite Commissioners and stakeholders to obtain feedback on the design, content, and overall concept of the prototype.

ITEM 3.

ACTION: COMAR 10.24.15 – State Health Plan for Facilities and Services: Organ Transplant Services Chapter – Proposed Regulations

Chairman Tanio stated that, on September 20, 2016, the Commission adopted a replacement COMAR 10.24.15, the Organ Transplant Services Chapter of the State Health Plan, as proposed permanent

regulations, after deleting draft Regulation .04, which had contained docketing standards. After the meeting, staff identified several inconsistencies in the regulations that resulted from elimination of the docketing requirements and one unrelated technical issue. Since these issues had not been discussed at the September meeting, staff determined that it would be best for the Commission to consider these changes and vote whether to adopt revised proposed regulations. Eileen Fleck, Chief of Acute Care Policy and Planning, presented the draft changes to the proposed regulations to address these inconsistencies. After discussion, Commissioner Stollenwerk made a motion that the Commission adopt the revised regulations as proposed permanent regulations, which was seconded by Commissioner O'Connor and unanimously approved.

ACTION: COMAR 10.24.15 – State Health Plan for Facilities and Services: Organ Transplant Services Chapter – Proposed Regulations is hereby APPROVED.

ITEM 4.

ACTION: Certificate of Need –Dimensions Health Corporation d/b/a Prince George's Hospital Center and Mt. Washington Pediatric Hospital, Inc. (Docket No. 13-16-2377)

Chairman Tanio stated that Commissioner Moffit served as the Reviewer of the contested Certificate of Need application by Dimensions Health Corporation and the Mount Washington Pediatric Hospital to relocate and replace Prince George's Hospital Center, creating the Prince George's Regional Medical Center in Lanham. He noted that none of the interested parties filed exceptions and that, on October 7, interested party Anne Arundel Medical Center sent a letter endorsing the adoption of the Commissioner Moffit's Recommended Decision by the full Commission. He asked Commissioner Moffit to discuss his Recommended Decision.

Commissioner Moffit said that proposed replacement hospital was clearly needed and would play a crucial role in revitalizing the health care delivery system in Prince George's County. He stated that changes already made at Prince George's Hospital Center under the leadership of the University of Maryland Medical System (UMMS), along with the excellent work by the Prince George's County Health Department, had begun the journey to improve the County's health care delivery system. He pointed out that UMMS would become the sole corporate member and assume governance of Dimensions shortly after the Commission's approval of the CON for Prince George's Regional Medical Center. Commissioner Moffit stated that a robust ambulatory and primary care network in Prince George's County was essential both to improving residents' health and to the long-term financial success of this project. He noted that the applicants made changes to the project that he recommended at a May 17, 2016 project status conference. He said that, in the August 31 modification to the application, Dimensions and UMMS expressed their confidence that the project, as modified, would "compromise neither their ability to serve the health care needs of Prince George's County nor the transformational quality of the proposed project." He also said that the modified project outlines a plan to increase the number of providers in Prince George's County in order to provide high value care to patients and to keep them out of the hospital. Commissioner Moffit expressed his thanks to Commission staff who assisted him for their dedication and hard work.

Chairman Tanio made a motion that the Commission adopt Commissioner Moffit's Recommended Decision as the Decision of the Commission and award a Certificate of Need to Dimensions Health Corporation and Mount Washington Pediatric Hospital to build a replacement hospital to be known as Prince George's Regional Medical Center, as detailed in the Recommended Decision. This motion was seconded by Commissioner Phillips and unanimously approved. Commissioner Hafey recused herself from this matter.

ACTION: Certificate of Need –Dimensions Health Corporation d/b/a Prince George's Hospital Center and Mt. Washington Pediatric Hospital, Inc. (Docket No. 13-16-2377) is hereby APPROVED.

ITEM 5.

ACTION: COMAR 10.25.16 – Electronic Health Record Incentives – Final Regulations

Chairman Tanio said that, on June 16, 2016, the Commission adopted amendments to COMAR 10.25.16, Electronic Health Record Incentives, as proposed permanent amendments to regulations. Angela Evatt, Chief of Health Information Exchange, noted that the proposed amendments were published for a 30-day comment period in the *Maryland Register*, and that no written comments were received. Ms. Evatt presented recommended that the proposed regulations be adopted as final regulations. Commissioner Carr-York made a motion that the Commission adopt the regulations as final regulations, which was seconded by Commissioner Phillips and unanimously approved. Commissioner Fleig abstained from taking action on this matter.

ACTION: COMAR 10.25.16 – Electronic Health Record Incentives – Final Regulations are hereby ADOPTED.

ITEM 6.

ACTION: Certificate of Need – Northampton Manor Nursing and Rehabilitation Center, L.L.C (Docket No. 16-10-2377)

Northampton Manor Nursing and Rehabilitation Center applied for a Certificate of Need to construct a building addition to house 66 additional comprehensive care facility beds and to renovate two of the four existing nursing units at the facility at a cost of \$10.2 million. Kevin McDonald, Chief of Certificate of Need, presented the staff recommendation for approval of the Certificate of Need application. Commissioner Moffit made a motion to award the Certificate of Need, which was seconded by Commissioner O’Grady and unanimously approved. Commissioner Hafey recused herself from this matter.

ACTION: Certificate of Need – Northampton Manor Nursing and Rehabilitation Center, L.L.C. (Docket No. 16-10-2377) is hereby APPROVED.

ITEM 7.

ACTION: Quality Measures and Performance Thresholds for Home Health Agency Certificate of Need Review

Cathy Weiss, Program Manager, and Carol Christmyer, MHCC consultant, presented information regarding quality measures and performance thresholds that they recommend for use by the Commission in reviews of Certificate of Need applications to establish or expand home health agency services in Maryland. Following discussion, Commissioner Carr-York made a motion to approve the quality measures and performance thresholds, which was seconded by Commissioner Tomarchio and unanimously approved.

ACTION: Quality Measures and Performance Thresholds for Home Health Agency Certificate of Need Review are hereby APPROVED.

ITEM 8.

PRESENTATION: 2016 Preauthorization Benchmark Attainment Report

Maryland law requires the Maryland Health Care Commission to work with payors and pharmacy benefit managers (PBMs) to implement an electronic preauthorization process in a series of four benchmarks. Justine Springer, Program Manager, presented the key findings of the 2016 Preauthorization Benchmark Attainment Report. She noted that the benchmarks were phased in over a span of about two years and that payors and PBMs collaborated with providers in the design and testing of the benchmarks. Ms. Springer stated that this is the final report required by law on preauthorization benchmark attainment, but that MHCC staff will continue to collaborate with payors and PBMs to enhance the value of their preauthorization portals.

ITEM 9.

PRESENTATION: Hospital Cyber Security Report: Evolving Threats Require New Approaches

Staff conducted a cybersecurity assessment of Maryland acute care hospitals in the spring of 2016 inquiring about hospitals' efforts in preparing for and managing cybersecurity risks. Nikki Majewski, Program Manager, presented the key findings from this assessment. She reported that hospitals are strengthening their cybersecurity strategy to guard against phishing attacks, malware and ransomware, and cloud threats. Ms. Majewski noted that the majority of health systems have established cyber incident response plans. In addition, employee awareness and education about cybersecurity threats are some of the greatest defenses against a cyber-attack.

ITEM 10.

Overview of Upcoming Initiatives

Mr. Steffen said that the November meeting is expected to include: a presentation on the Maryland Trauma Physician Services Fund annual report; recommendations for proposed permanent regulations regarding freestanding medical facilities; an action for Certificate of Need, and the 2017 MCDB Data Submission Manual.

ITEM 11.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:04 p.m. upon motion of Commissioner Carr-York, which was seconded by Commissioner O'Grady and unanimously approved.