

Craig P. Tanio, M.D.  
CHAIR



Ben Steffen  
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## MARYLAND HEALTH CARE COMMISSION

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Thursday, November 17, 2016

### Minutes

Chairman Tanio called the meeting to order at 1:30 p.m.

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

### ITEM 1.

#### Approval of the Minutes

Commissioner Fleig made a motion to approve the minutes of the October 20, 2016 meeting of the Commission, which was seconded by Commissioner Pollak and unanimously approved.

### ITEM 2.

#### Update of Activities

Cathy Weis, Program Manager in the Long-Term Care Division, provided an update to the Commissioner on the *Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) Summary Star Rating*. Ms. Weis said that, during discussion at last month's Commission meeting, staff was asked to clarify whether the hospital summary star rating of three stars or greater related to Maryland or national experience of care data. Ms. Weiss noted that the HCAHPS summary star ratings are based on national data and 63% of Maryland's hospitals met the performance level of three stars or greater. However, compared to the nation, Maryland has a greater proportion of hospitals performing below the three star level.

### ITEM 3.

**ACTION:** COMAR 10.24.19 – State Health Plan for Facilities and Services: Freestanding Medical Facilities Chapter – Proposed Regulations

Eileen Fleck, Chief of Acute Care Policy and Planning, said that the Commission adopted the Freestanding Medical Facilities Chapter of the State Health Plan for Facilities and Services as proposed regulations in July. The Commission later received formal public comments, and also spoke with staff to a legislative committee and the Division of State Documents. As a result, some substantive changes and

other minor changes were recommended by staff. Ms. Fleck requested that the Commission adopt the revised regulations as proposed regulations. Commissioner Thomas made a motion that the Commission adopt the revised regulations, which was seconded by Commissioner Moffit. Following discussion, Commissioners Phillips, Weinstein, Moffit, Tomarchio, York-Carr, Pollack, Thomas, Sergeant, Fleig, O’Grady, Hafey, and Metz voted to adopt the regulations and Commissioners Stollenwerk and O’Connor opposed the adoption.

**ACTION: COMAR 10.24.19 – State Health Plan for Facilities and Services: Freestanding Medical Facilities Chapter – Proposed Regulations are hereby ADOPTED.**

**ITEM 4.**

**ACTION: Certificate of Need – Calvert Memorial Hospital Renovation and Expansion (Docket No. 15-04-2370)**

Calvert Memorial Hospital applied for a Certificate of Need to construct a three-story addition to increase the number of private patient rooms and to create an observation unit. Kevin McDonald, Chief of Certificate of Need, presented the staff recommendation. The hospital proposes to construct a 43,575 square foot (SF) three-story addition as part of a project to increase the number of private patient rooms and to create an observation unit. The project will also involve the renovation of 32,910 SF on the existing second and third floors, allowing the hospital to repurpose existing space for alternate uses. The total project cost is estimated to be \$51,654,138 and is anticipated to take four months to complete. Staff recommended that the Commission approve the project, with conditions. Commissioner Moffit made a motion that the Commission approve the Certificate of Need, which was seconded by Commissioner York-Carr and unanimously approved, with the exception of Commissioner Hafey, who recused herself.

**ACTION: Certificate of Need – Calvert Memorial Hospital Renovation and Expansion (Docket No. 15-04-2370) is hereby APPROVED.**

**ITEM 5.**

**ACTION: Certificate of Need Modification – Kaiser Permanente South Baltimore (Docket No. 16-03-2372)**

Mr. McDonald said that Kaiser Permanente South Baltimore Medical Center applied for a modification to its previously approved Certificate of Need due to increased project costs. The Commission granted Kaiser a Certificate of Need to finish 491 square feet of shell space for a third OR in June of 2016. Kaiser requests to increase the total project costs by approximately \$652,834, increasing the total project cost from \$1,600,405 to \$2,253,239 due to incorrect and incomplete project cost estimation. Commission staff recommended approval of the modification. Commissioner Thomas made a motion that the Commission approve the modification, which was seconded by Commissioner Moffit. Following discussion, the Commission unanimously approved the modification, with the exceptions of Commissioners Fleig and Sergeant, who recused themselves.

**ACTION: Certificate of Need Modification – Kaiser Permanente South Baltimore (Docket No. 16-03-2372) is hereby APPROVED.**

**ITEM 6.**

**ACTION: MCDB Data Submission Manual, MCDB**

Kenneth Yeates-Trotman, MHCC’s Methodologist, presented updates to the 2017 Medical Care Data Base Data Submission Manual, which is designed to provide designated reporting entities with guidelines of technical specifications, layouts, and definitions necessary for filing the reports required under

COMAR 10.15.06. He will provided a brief update on the work with other APCD states in developing a common data reporting format for ERISA-protected health plans. Commissioner Fleig made a motion that the Commission approve the release of the Manual, which was seconded by Commissioner Thomas and unanimously approved.

**ACTION: MCDB Data Submission Manual, MCDB is hereby APPROVED for release.**

**ITEM 7.**

**ACTION: Maryland Physician Services Trauma Fund Report**

Bridget Zombro, Director of Administration, and Karen Rezabek, Program Manager, presented a summary of the Report. In 2003, the Maryland General Assembly enacted legislation creating the Maryland Trauma Physician Services Fund to aid Maryland's trauma system by reimbursing trauma physicians for uncompensated care losses and by raising Medicaid payments to 100 percent of the Medicare rate when a Medicaid patient receives trauma care at a designed center. Last year, the MHCC voted to raise Medicaid payments for trauma care to 105% of the Medicare rate, beginning in Fiscal Year 2017. Following discussion, Commissioner Fleig made a motion that the Commission approve release of the report, which was seconded by Commissioner O'Grady and unanimously approved.

**ACTION: Maryland Physician Services Trauma Fund Report is hereby APPROVED for release.**

**ITEM 8.**

**PRESENTATION: COMAR 10.25.18 – Health Information Exchanges: Privacy and Security of Protected Health Information to release for informal public comment**

David Sharp, Director of Health Information Technology and Innovative Care Delivery, presented on the proposed draft consumer access amendments to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information* for informal public comment. A 2011 Maryland law requires MHCC to adopt regulations for the privacy and security of protected health information exchanged through a health information exchange. The Commission last amended the regulations in June 2016. The Commission approved the release of the draft amendments for informal public comment.

**ITEM 9.**

**Overview of Upcoming Initiatives**

Mr. Steffen said that the December meeting is expected to include presentations on: the Total Cost of Care; Mobile health grant awards; recommendations on Certificate of Need projects; the Primary Care Model; and the Workload Distribution Study.

Commissioner Thomas expressed his appreciation for Commissioner Moffit's work on the Certificate of Need for Dimensions' new hospital in Prince George's County.

**ITEM 10.**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:45 p.m. following a motion by Commissioner Sergent, which was seconded by Commissioner Weinstein and unanimously approved.