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CHAIR



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MARYLAND HEALTH CARE COMMISSION

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Thursday, May 18, 2017

Minutes

Commissioners present: Carr-York, Fleig, Moffit, Phillips, Sergent, Stollenwerk, Thomas, and Wang.

Chairman Moffit called the meeting to order at 1:15 p.m. The new Chairman said that he was humbled and honored that the Governor expressed confidence in appointing him as Chairman of the Maryland Health Care Commission. Chairman Moffit expressed his appreciation of his fellow Commissioners and the Commission's staff.

Chairman Moffit introduced and welcomed new Commissioner Marcus Wang to MHCC. He said Commissioner Wang is an attorney by training, and has spent several years with DLA Piper in their New York office working in the corporate restructure and finance group. In 2010, Mr. Wang joined Under Armour as part of the business development team that established Under Armour's first retail operations in China. Mr. Wang joined the ZytoGen Global Genetics Institute (ZytoGen) as President and General Manager in 2013. ZytoGen works with physicians and patients to provide genetic preimplantation screening services that increase the likelihood of pregnancy for individuals using in-vitro fertilization.

ITEM 1.

Approval of the Minutes

Commissioner Fleig made a motion to approve the minutes of the April 20, 2017 public meeting of the Commission, which was seconded by Commissioner Sergent and unanimously approved.

ITEM 2.

Update of Activities

Ben Steffen, Executive Director, said staff is continuing their work with the Rural Health Workgroup and Advisory groups. He said the Economic Development and Workforce Development advisory groups held a joint meeting in April. He also noted that public hearings have been scheduled in five rural counties. The Rural Health Workgroup consultants from the

University of Maryland School of Public Health and the Walsh Center for Rural Health at the National Opinion Research Center (NORC) will brief the Commission in July.

David Sharp, Director for the Center of Health Information Technology and Innovative Care Delivery reported that staff, in collaboration with the University of Maryland, Lorien Health Systems, Howard County Health Department, and CRISP, submitted a grant application on May 17th to the Patient Centered Outcomes Research Institute (PCORI) to examine the effectiveness of telehealth for transitioning patients from a skilled nursing facility to home, as compared to the traditional comprehensive care approach. PCORI has made available a total of \$9 million that will be disbursed to grantees over a four-year period. He also noted that staff released a Cybersecurity Self-Assessment Readiness Tool, which is intended to assist small providers with assessing cybersecurity readiness.

ITEM 3.

ACTION: Certificate of Need – Stella Maris, Inc. (Docket No. 16-03-2375)

Stella Maris, Inc. applied for a Certificate of Need to add a new comprehensive care building and renovate its existing facilities. Kevin McDonald, Chief of Certificate of Need, presented the staff recommendation. Mr. McDonald stated that the applicant proposed to construct a building addition and renovate its existing facilities, which were designed and built in the 1950s and 1960s and are characterized by the applicant as outdated by today's standards. He said the proposed project will increase the number of private rooms and reduce the number of semi-private rooms. Mr. McDonald said that the project will also renovate existing spaces to provide a more home-like environment. The total estimated cost of the project is \$29,691,826. Stella Maris expects to fund this project with \$1,691,826 in cash, \$10,000,000 in philanthropy, and an \$18,000,000 mortgage loan. Staff recommended that the Commission approve the project. Commissioners Carr-York made a motion to approve the staff recommendation, which was seconded by Commissioner Stollenwerk and unanimously approved.

ACTION: Certificate of Need – Stella Maris, Inc. (Docket No. 16-03-2375) is hereby APPROVED.

ITEM 4.

ACTION: COMAR 10.24.19 – State Health Plan for Facilities and Services: Freestanding Medical Facilities – Final Regulations

Eileen Fleck, Chief, Acute Care Policy and Planning, summarized comments received on proposed regulations for the State Health Plan chapter for freestanding medical facilities. Ms. Fleck noted that the regulations were adopted by the Commission as proposed permanent regulations at the February 16, 2017 public meeting, and presented the regulations for final action. Commissioner Thomas made a motion that the Commission adopt COMAR 10.24.19 as final regulations, which was seconded by Commissioner Carr-York and unanimously approved.

Ben Steffen, Executive Director, thanked the Commission and staff for their hard work on the regulations.

ACTION: COMAR 10.24.19 – State Health Plan for Facilities and Services: Freestanding Medical Facilities is hereby adopted as Final Regulations.

ITEM 5.

ACTION: COMAR 10.15.18 – Health Information Exchanges: Privacy and Security – Final Regulations

Angela Evatt, Chief, Health Information Exchange, presented final regulations for COMAR 10.15.18. Ms. Evatt said that these regulations address the privacy and security of protected health information that is obtained or released through a Health Information Exchange. She noted that the proposed regulations were adopted by the Commission at the January 26, 2017 public meeting. Ms. Evatt provided an overview of the comments received, and recommended that the Commission adopt the proposed amendments as final with three non-substantive changes. After discussion, Commissioner Stollenwerk made a motion that the Commission adopt COMAR 10.15.18 as final regulation, which was seconded by Commissioner Carr-York and unanimously approved.

ACTION: COMAR 10.15.18 – Health Information Exchanges: Privacy and Security of Protected Health Information is hereby adopted as Final Regulations.

ITEM 6.

PRESENTATION: COMAR 10.25.19 – State Recognition of Electronic Advance Directive Service Provider – Release for Informal Public Comment

Nikki Majewski, Chief, Health Information Technology, presented an overview of draft regulations establishing a program for State Recognition of Electronic Advance Directive Services Providers. Ms. Majewski provided background information and described the process for developing the electronic advance directives regulations. She mentioned that MHCC and DHMH convened two workgroups: Criteria and Connectivity and Engagement and Special Issues in the fall of 2016. The Criteria and Connectivity workgroup considered policy issues pertaining to State recognition of an electronic advance directive service provider. In addition, Ms. Majewski reported that staff planned to invite key stakeholders to comment on the informal draft regulations.

ITEM 7.

UPDATE: COMAR 10.24.11 – State Health Plan for Facilities and Services – General Surgical Services

Paul Parker, Director, Center for Health Care Facilities Planning and Development, provided an update responding to issues raised by Commissioners during the staff's review of the draft State Health Plan chapter for General Surgical Services at the April 21, 2017 Commission meeting. He also outlined staff's plan to gather further input on the draft State Health Plan chapter that would be responsive to issues raised by the Commission. Mr. Parker discussed policy changes that reflected Commissioners' preferences, as well as the policy implications of those changes. He said staff will review Commission preferences, policy options, and implications with the Surgical Services Work Group, which is scheduled to meet on June 1, 2017, and discuss with HSCRC staff how the conversion of hospital mixed use ORs to ambulatory surgery ORs would affect hospitals' global budget revenue. Staff will develop a new draft proposed State Health Plan chapter for consideration by the Commission at the July 2017 public meeting.

ITEM 8.

Overview of Upcoming Initiatives

Mr. Steffen said that staff will present several Certificate of Need applications; an overview of spending by the privately insured focusing on the individual market; an informational data breach assessment; and possibly an update on the state health plan chapter for general surgical services at the June public meeting of the Commission.

ITEM 9.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:20 p.m. following a motion by Commissioner Thomas, which was seconded by Commissioner Fleig and unanimously approved.