

Robert E. Moffit
CHAIR



Ben Steffen
EXECUTIVE DIRECTOR

MARYLAND HEALTH CARE COMMISSION

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

Thursday, December 21, 2017

Minutes

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

Commissioners present: Fleig, Hafey, Metz, O'Connor, O'Grady, Phillips, Pollak, Sergent, Thomas, Tomarchio, and Carr-York

ITEM 1.

Approval of the Minutes

Commissioner Fleig made a motion to approve the minutes of the October 6, 2017 retreat, and the minutes of the November 15, 2017 meeting of the Commission, which was seconded by Commissioner Thomas and unanimously approved.

ITEM 2.

Update of Activities

David Sharp reported that, at its June 15, 2017 meeting, the Commission adopted as proposed permanent regulations, COMAR 10.25.19: State Recognition of an Electronic Advance Directives Service. He noted that, on July 14th, the promulgation of all regulations was halted pending review by the Regulatory Reform Commission, but that, in early December, staff was advised that the regulation was approved to proceed through the promulgation process. In addition, Angela Evatt provided an update on a telehealth grant release announcement for early January and mentioned that available funding is up to \$150,000.

Ben Steffen, Executive Director, said that Total Cost of Care (TCoC) demo is currently under review by Acting Health Secretary of Health and Human Services, and the Acting Director of the Office of Budget Management. He noted that staff received questions from the Maryland Hospital Association and MedChi regarding the "Wear the Cost" website. He said that Commission staff will form an advisory group composed of physicians, hospital representatives, and consumers to support further development of the "Wear the Cost" website. He also mentioned the Maryland Primary Care Program (PCP), pointing out that staff continues to collaborate with the Maryland Department of Health by convening several stakeholder meetings aimed at awareness building for the. He noted that the PCP model is expected to go-live in July

2018. Mr. Steffen also noted that staff will be seeking a vendor to study primary care and selected specialty workforce needs.

Mr. Steffen announced that Karen Rezabek will be retiring at the end of December. He said that Karen has been a very loyal and valuable employee of the Commission and wished her all the best.

ITEM 3.

ACTION: Change in Approved Certificate of Need – 314 Grove Neck Road OPCP, L.L.C. d/b/a Recovery Centers of America at Bracebridge (Docket No. 15-07-2363)

Recovery Centers of America, Earleville, requested a modification to increase the approved cost of its previously approved Certificate of Need, which authorized it to establish an intermediate care facility (ICF) in Cecil County.. Kevin McDonald, Chief, Certificate of Need, presented the staff recommendation. Mr. McDonald said that there are two bases for the cost increase: the applicant underestimated the project cost; and it erred in allocating the cost of the ICF component of the project as a proportion of the total project development costs. He noted that action is required since the requested capital cost increase exceeds the inflation allowance in Commission regulations. The total project cost climbed from \$32,581,216 to \$42,546,274, and for the CON-regulated ICF, the total cost estimate rose from \$5,595,384 to \$7,388,532. Mr. McDonald said that staff recommended approval of the requested modification. Commissioner O’Grady made a motion to approve the modification of the Certificate of Need, which was seconded by Commissioner Fleig and unanimously approved.

ACTION: Change in Approved Certificate of Need – 314 Grove Neck Road OPCP, L.L.C. d/b/a Recovery Centers of America at Bracebridge (Docket No. 15-07-2363) is hereby Approved.

ITEM 4.

ACTION: Change in Approved Certificate of Need – 11100 Billingsley Road OPCO, L.L.C. d/b/a Recovery Centers of America – Waldorf (Docket No. 15-08-2362)

Recovery Centers of America, Waldorf, requested a modification to increase the approved cost of its previously approved Certificate of Need, which authorized it to establish an ICF in Charles County. Mr. McDonald presented the staff recommendation. He said that there are the applicant’s two bases for the cost increase are the same as with the Cecil County facility – it underestimated the project cost; also erred in allocating the cost of the ICF component of the project as a proportion of the total project development costs. Mr. McDonald said this requested capital cost increase also exceeds the inflation allowance in Commission regulations. The total project cost climbed from \$28,669,470 to \$36,485,425, and for the CON-regulated ICF, the total estimate rose from \$10,712,744 to \$16,783,294. Mr. McDonald said that staff recommended approval of the requested modification. Commissioner Hafey made a motion to approve the modification of the Certificate of Need, which was seconded by Commissioner O’Grady and unanimously approved.

ACTION: Change in Approved Certificate of Need – 11100 Billingsley Road OPCO, L.L.C. d/b/a Recovery Centers of America – Waldorf (Docket No. 15-08-2362) is hereby Approved.

ITEM 5.

ACTION: Certificate of Need – Coastal Hospice, Inc. d/b/a Coastal Hospice & Palliative Care – Capital Expenditure in Excess of Applicable Threshold (Docket No. 17-22-2402)

Coastal Hospice, Inc. applied for a Certificate of Need to undertake a capital expenditure to establish a 12-bed Hospice House in Worcester County. Mr. McDonald presented the staff recommendation. He said this project requires a Certificate of Need because the project, which has a total project cost estimate of \$7,998,114, exceeds the \$6 million capital threshold for non-hospital capital project. He stated that the project will serve as a residence for hospice patients receiving in-home hospice care and provide space for community outreach and other needs of the Coastal Hospice. Staff recommended approval of this Certificate of Need application. Commissioner O’Grady made a motion to approve the staff recommendation, which was seconded by Commissioner Tomarchio and unanimously approved.

ACTION: Certificate of Need – Coastal Hospice, Inc. d/b/a Coastal Hospice & Palliative Care – Capital Expenditure in Excess of Applicable Threshold (Docket No. 17-22-2402) is hereby Approved.

ITEM 6.

ACTION: Repeal and Replacement of COMAR 10.24.11 – State Health Plan for Facilities and Services: General Surgical Services

Eileen Fleck, Chief of Acute Care Policy and Planning, provided an overview of the comments received and Commission staff’s response and recommendations on proposed regulations to repeal and replace COMAR 10.24.11 “General Surgical Services Chapter of the State Health Plan, which the Commission adopted as proposed permanent regulations at its September 19, 2017 meeting. Ms. Fleck said that six organizations commented on the proposed Chapter: Anne Arundel Medical Center; the American Society of Plastic Surgeons; Frederick Surgical Center, the Maryland Ambulatory Surgery Association; the Maryland Hospital Association; and the University of Maryland Medical System. After discussion, Commissioner Pollak made a motion to approve the repeal and replacement of the General Surgical Services Chapter of the State Health Plan, which was seconded by Commissioner Fleig and unanimously approved.

ACTION: Repeal and Replacement of COMAR 10.24.11 – State Health Plan for Facilities and Services: General Surgical Services is hereby Approved as final regulations.

ITEM 7.

PRESENTATION: Health Care Data Breach Assessment

Nikki Majewski, Chief of Health Information Technology, and Eva Lenoir, Program Manager, presented key findings from Commission staff’s information brief, *Health Care Data Breaches: How Maryland Compares*. Ms. Majewski noted that breaches increased more than twofold from 2013 to 2016, and that health care providers in all states are increasingly being targeted. Ms. Lenoir reported that evolving cyber threats require more focus on changing end-user behavior to reduce the risk of a breach. Staff plans to continue monitoring breach trends and investigation

outcomes by the federal Office for Civil Rights to identify learning opportunities, and will continue to build awareness about cybersecurity best practices.

ITEM 8.

PRESENTATION: Maryland Patient Safety Center

Chairman Moffit stated that The Leapfrog Group released its 2017 Hospital Patient Safety Center Grade results on October 31 and that for the first time, Maryland hospitals were included in the national scoring system. Because of the disappointing results from the Leapfrog report, the Commission asked the Maryland Patient Safety Center (MPSC) how it planned to respond to the disappointing results. Dr. James Rost, Chair of the MPSC, and Robert Imhoff, President and CEO of the MPSC, provided a presentation describing MPSC's plan for assisting Maryland hospitals. Mr. Imhoff noted the following opportunities for advancement: (1) improving patient safety outcome measurement; (2) developing a model for specific safety measures approach; (3) using MHCC support to encourage hospitals participation in particular MPSC patient safety initiatives; (4) collaborating to support increased participation by patient/family advocates; (5) alignment on support of the All Payer model; (6) endorsing the MPSC Patient Safety Certification Program; and, (8) Supporting capacity building at MPSC. After discussion with the Commissioners, MPSC representatives stated that they will provide the Commission with updates on MPSC's progress in implementing these goals.

ITEM 9.

PRESENTATION: Use of Nursing Home Quality Ratings in Planning and Certificate of Need Regulation

Chairman Moffit said that, over the past month, Commissioners and staff have had discussions on possible use of CMS's Nursing Home Compare Star Rating System could be used in the Nursing Home Chapter of the State Health Plan. Staff offered to review Maryland nursing home performance under the CMS Nursing Home Compare system. Linda Cole, Chief of Long Term Care Policy and Planning, provided an overview of the CMS Nursing Home Compare star ratings, described how CMS arrives at an overall nursing home star rating, and explained how Maryland jurisdiction perform on this key rating system.

ITEM 10.

Overview of Upcoming Initiatives

Mr. Steffen announced that the January meeting of the Commission will include an overview of the legislative process; a presentation on the outpatient quality initiative work plan, and possibly a Certificate of Need application.

ITEM 11.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:40 p.m. by consensus.