



MARYLAND HEALTH CARE COMMISSION

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Thursday, December 20, 2018

Minutes

Chairman Moffit called the meeting to order at 1:04 P.M.

Commissioners present: Boyle, Hafey, Hammersla, Metz, O’Grady, Peters, Pollak, Rymer, Sergeant, Thomas, Tomarchio, and Wang. Commissioners McCarthy participated via teleconference.

AGENDA ITEM 1.

Approval of the Minutes

Commissioner Sergeant made a motion to approve the Minutes of the November 15, 2018 public meeting of the Commission, which was seconded by Commissioner O’Grady and unanimously approved.

AGENDA ITEM 2.

Update of Activities

Ben Steffen, Executive Director, stated that the pre-bid conference regarding the Commission’s Maryland Health Quality Reports consumer website was held on December 19, 2018. Mr. Steffen said that proposals were due at the end of January. He also noted that the Commission’s Strategic Priorities Report would be forthcoming and that drafts of the report would be circulated at the January Commission meeting for Commissioner review.

Mr. Steffen announced the work anniversaries of Linda Cole and Madeline Sailes, long-standing employees who completed 40 and 35 years respectively of State government service. He also announced the upcoming retirement of Diane Arnold, MHCC staff member, after 35 years of service with the State. Commissioners and staff applauded the accomplishments made by these MHCC staff members.

Megan Renfrew, Chief of Government Relations and Special Projects, introduced new Commission staff member, Lawanda Edwards, who joined the Commission as a program manager and will be supporting Ms. Renfrew on communications, stakeholder engagement, and policy.

AGENDA ITEM 3.

Hearing: Modernization of the Maryland Certificate of Need Program

Chairman Moffit noted that, over the past 12 months, the Commission's Certificate of Need Modernization Task Force studied ways to streamline and improve the State Health Plan and Certificate of Need processes. This effort is expected to result in better alignment with the Total Cost of Care (TCOC) demonstration that the State has entered with Center for Medicare and Medicaid Services (CMS). He noted that the State's health care delivery system was rapidly changing.

Chairman Moffit pointed out that the Task Force had two phases. The first phase resulted in the Commission's issuance of an interim report in June that identified a number of problems with the current process. That report sparked a discussion of potential solutions that were discussed in the Task Force's second phase. On December 3, the Task Force submitted a draft final report to the Commission that contained suggested recommendations: (1) that the Commission could complete under existing law; and (2) that would require legislative action; and (3) that should be considered but that needed further engagement with other State agencies and stakeholders. He stated that Commissioner Sergent encouraged stakeholders to provide comments on the draft report, and that the comments received had been given to the Commissioners

A hearing was then conducted to allow stakeholders to address the Commission regarding modernization of the Certificate of Need program. The Commission heard from six commenters including: Joseph DeMattos, President of Health Care Facilities Association of Maryland; Danna Kauffman, LifeSpan Products and Services; Richard Przywara, Senior Vice President for Operations at Ashley Treatments; Peggy Funk, Executive Director of the Hospice and Palliative Care Network of Maryland; Brett McCone, Vice President, Rate Setting, Maryland Hospital Association; and Patricia O'Connor, Assistant Attorney General, Consumer Protection Division.

AGENDA ITEM 4.

ACTION: Modernization of the Maryland Certificate of Need Program - A Final Report to the Maryland State Finance Committee and the House Health and Government Operations Committee

Chairman Moffit stated that, after the CON Modernization Task Force's meeting on December 3, a draft final report was prepared and would be considered at the meeting. He noted that the report was requested by the Maryland Senate Finance Committee and the House Health Government Operations Committee and the Commission was charged with delivering that report.

Commissioner Randolph Sergent, who served as Co-Chair of the Certificate of Need (CON) Modernization Task Force in phase one, and as Chair in phase two, reviewed the draft Final Report. He touched on the background of the report, the Task Force used by the Commission to develop the report and its recommendations, and the study process. He reviewed the recommendations for regulatory changes, statutory changes, and future study. Paul Parker, Director of Health Care Facilities Planning and Development, spoke briefly about the recommendations concerning regulation of comprehensive care facilities and the concerns expressed by commenters in that regard. After a brief discussion and responses to questions by

Commissioners, Commissioner Pollak made a motion to release the Final Report, which was seconded by Commissioners Hafey and unanimously approved.

ACTION: The Modernization of the Maryland Certificate of Need Program Final Report is Approved.

AGENDA ITEM 5.

ACTION: Exemption from Certificate of Need - Summit Ambulatory Surgery Center, LLC - (Docket No. 18-02-EX009)

Mr. Parker presented a brief summary of the project proposed by Summit Ambulatory Surgery Center, which involves the addition of a second operating room by an outpatient surgery center located in Hanover (Anne Arundel County), thus establishing the center as an ambulatory surgical facility, a regulated category of health care facility under Maryland law. He reviewed the staff's finding that the project complied with the standards for such an exemption. He recommended the issuance of an exemption from CON for the project at an authorized cost of \$25,000. Commissioner Boyle made a motion to grant exemption from Certificate of Need to Summit Ambulatory Surgery Center, LLC, which was seconded by Commissioner Peters and unanimously approved.

ACTION: Exemption of Summit Ambulatory Surgery Center, LLC from CON Review is Approved.

AGENDA ITEM 6.

ACTION: Certificate of Need - Change to Approved Certificates of Need

- **Western Maryland Regional Medical Center (Docket No. 97-01-2012)**
- **Suburban Hospital (Docket No. 04-15-2134)**

Eileen Fleck, Chief of Acute Care Policy and Planning, requested that the Commission authorize removal of one condition from the CON issued in 1999 to Sacred Heart Hospital (now Western Maryland Regional Medical Center) to establish a cardiac surgery program and two conditions from the 2005 CON issued to Suburban Hospital to establish its cardiac surgery program. Ms. Fleck explained that the conditions are no longer consistent with MHCC policies established in 2014 with respect to the consequences associated with changes in cardiac surgery case volume at existing hospitals and, in the case of the second Suburban condition, no longer necessary as a means of monitoring compliance of the hospital with community outreach efforts.

Commissioner Sargent made a motion to approve removal of the condition with respect to case volume on the CON issued to Western Maryland Regional Medical Center. The motion was seconded by Commissioner Thomas and unanimously approved.

- **ACTION: Condition on the 1999 CON issued to Western Maryland Regional Medical Center is hereby Removed.**

After clarification of the second condition recommended for removal from the Suburban Hospital CON, Commissioner Pollak made a motion to remove two conditions from CON issued to Suburban Hospital, which was seconded by Commissioner Hammersla and unanimously approved.

- **ACTION: Two Conditions on the 2005 CON issued to Suburban Hospital are hereby Removed.**

AGENDA ITEM 7.

ACTION: COMAR 10.24.17 State Health Plan for Facilities and Services: Specialized Health Care Services - Cardiac Surgery and Percutaneous Coronary Intervention Services - Final Action

Ms. Fleck summarized the two formal comments received on the proposed regulations and presented staff's analysis of the issues raised and recommendations. Staff recommended that, with minor non-substantive changes, the Commission adopt the proposed regulations as final regulations. After a brief discussion of the comments made by the Maryland Chapter of the American Heart Association, Commissioner Hafey made a motion to adopt COMAR 10.24.17 State Health Plan Facilities and Services: Specialized Health Care Services - Cardiac Surgery and Percutaneous Coronary Intervention Services as final regulations, which was seconded by Commissioner O'Grady and unanimously approved.

ACTION: COMAR 10.24.17 State Health Plan for Facilities and Services: Specialized Health Care Services - Cardiac Surgery and Percutaneous Coronary Intervention Services is hereby Adopted as Final Regulations.

AGENDA ITEM 8.

PRESENTATION: School Based Teletherapy for Special Education Services Grant Award Announcement - Charles County Public Schools

Angela Evatt, Chief of Health Information Exchange, provided information regarding the award of a School-Based Teletherapy for Special Education Services grant to Charles County Public Schools (CCPS). She stated that the grant aims to evaluate the impact of teletherapy in expanding access to speech services, identify best practices for teletherapy in schools, and assess student outcomes on individual education program goals as compared to in-person services. The grant awards CCPS with up to \$200,000 throughout 18 months. Ms. Evatt noted that CCPS plans to connect approximately 77 eligible CCPS students to Maryland-licensed speech language pathologists via teletherapy. The Commission requested that the grantee provide a summary of lessons learned under three categories: access to care; costs, if there are any cost reductions from this; and quality improvements. Ms. Evatt said that CCPS will work in coordination with staff to

identify assessment measures and in developing a sustainability plan. She also noted that the grant will inform efforts of the School-Based Telehealth Workgroup by identifying factors affecting the use of teletherapy in schools.

AGENDA ITEM 9.

Overview of Upcoming Initiatives

Ben Steffen provided an overview of upcoming initiatives. Mr. Steffen stated that the January 2019 meeting is expected to include the Telehealth Readiness Assessment Tool demonstration, a review of the new EMS Models study that the Commission conducted in consultation with MIEMSS, and a review of the legislative process that the Commission uses during the General Assembly. He encouraged the Commission and staff to check out of the 30 second animated public service announcement regarding the Center for Quality Measurement and Reporting website that is out and airing in movie theaters.

AGENDA ITEM 10.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:30 p.m. upon motion of Commissioner Pollak, which was seconded by Commissioner O’Grady and unanimously approved.