



Thursday, April 20, 2023

MINUTES

Chairman Sergent called the meeting to order at 1:05 p.m.

Commissioners present via telephone and in person: Bhandari, Boyle, Buczynski, Jensen, O'Connor, O'Grady, Wang, and Wood.

AGENDA ITEM 1.

Approval of the Minutes

Commissioner O'Connor made a motion to approve the minutes of the January 20, 2023, Commissioner Educational Retreat meeting of the Maryland Health Care Commission (Commission or MHCC), which was held by teleconference hybrid. The motion was seconded by Commissioner Wood and unanimously approved.

Commissioner Boyle made a motion to approve the minutes of the March 16, 2023, public meeting of the Maryland Health Care Commission (Commission or MHCC), which was held by teleconference hybrid. The motion was seconded by Commissioner Buczynski and unanimously approved.

AGENDA ITEM 2.

Update of Activities

Ben Steffen, Executive Director, introduced Wynee Hawk who was appointed as the Commission's new Director, Center for Health Care Facilities Planning & Development. The Commission had a very competitive recruitment process, and the review panel recommended Ms. Hawk for the position.

Next, Mr. Steffen introduced another new employee, Ali McStudy, Program Manager in the Innovative Care Delivery Division of the Center for Health Information Technology and Innovative Care Delivery. Ms. McStudy joins us from the Henry Jackson Foundation for Military Health Care where she served in the U.S. Navy from 2013 to 2020. She holds an MPH from George Washington University and BA from Seton Hall. Ms. McStudy will work with Melanie Cavaliere, Chief, Innovative Care Delivery.

Mr. Steffen thanked MHCC staff members who have worked hard during the 2023 Legislative session, specifically, Tracey DeShields, Dee Stephens (legislative bill tracking), and Richard Proctor (fiscal analysis).

Lastly, Mr. Steffen spoke about the development of the Health Services Cost Review Commission (HSCRC) Progression Plan after 2026. HSCRC and other State staff are planning stakeholder engagement meetings to contribute content towards a progression plan for the expansion of the Total Cost of Care Model (or a new Model) beyond 2026. A series of small group meetings will be held on priority topics through April 2023. After this period, the plan will be presented to the Center for Medicare & Medicaid Innovation (CMMI) in late 2023 ahead of the negotiation process on the future of the Model. The priority topics include: 1) Cost-Containment & Financial Targets; 2) Population Health & Health Equity; 3) Consumer Engagement; 4) Multi-Payer Alignment; 5) Post-Acute and Long-Term Care; and 6) Physician Engagement & Alignment.

AGENDA ITEM 3.

ACTION: Publication of Proposed Regulations-- COMAR 10.24.01, Procedural Regulations for Health Care Facilities and Services

Wynee Hawk, Director of Health Care Facilities Planning and Development, and Caitlin Tepe, Assistant Attorney General, presented the proposed changes to the Procedural Regulations for Health Care Facilities and Services, COMAR 10.24.01, which governs the Commission's certificate of need (CON) program. The proposed changes stem from the MHCC CON Modernization Task Force, Governor Hogan's Regulatory Reform Commission, and the significant changes to the Commission's enabling statute since COMAR 10.24.01 was last modified in 2005. Generally, the proposal streamlines CON reviews, creates new review criteria to support the Commission's strategic objectives, and clarifies regulatory oversight of non-CON projects.

Commissioner O'Grady moved to approve the Publication of Proposed Regulations-- COMAR 10.24.01, Procedural Regulations for Health Care Facilities and Services, which was seconded by Commissioner Boyle and after discussion, unanimously approved.

ACTION: Publication of Proposed Regulations-- COMAR 10.24.01, Procedural Regulations for Health Care Facilities and Services is hereby APPROVED.

AGENDA ITEM 4.

ACTION: Certificate of Need - Chesapeake Eye Surgery Center, LLC (Anne Arundel County) -Establish an Ambulatory Surgical Facility (Docket No 22-02-2461)

Laura Hare Nirschl, Program Manager, Center for Health Care Facilities Planning and Development, stated that Chesapeake Eye Surgery Center requested a Certificate of Need (CON) to add one operating room to their existing ambulatory surgery center, thereby establishing an ambulatory surgical facility at an estimated cost of approximately \$636,000.

Ms. Hare Nirschl stated that the project complies with the applicable standards in the General Surgical Services Chapter of the State Health Plan; the applicant has demonstrated need, the project is the most cost-effective approach, is viable, and will not have a negative impact on the cost of surgical services in Maryland. Ms. Hare Nirschl requested that the Commission approve this project with one condition, that:

Chesapeake Eye Surgery Center shall continue to provide a patient with an estimate of out-of-pocket charges prior to arrival for surgery.

Commissioner Jensen moved to approve the CON - Chesapeake Eye Surgery Center, LLC (Anne Arundel County) -Establish an Ambulatory Surgical Facility, which was seconded by Commissioner Boyle and after discussion, unanimously approved.

ACTION: Certificate of Need - Chesapeake Eye Surgery Center, LLC (Anne Arundel County) -Establish an Ambulatory Surgical Facility is hereby APPROVED.

AGENDA ITEM 5.

ACTION: Second Request for Post Approval Project Change - University of Maryland Laurel Regional Hospital Conversion to Freestanding Medical Facility (Prince George's County) (Docket No. 18-16-EX002)

The University of Maryland Capital Region Health (UM-CRH) submitted a second request for a post-approval project change to convert the University of Maryland Laurel Regional Hospital to a Freestanding Medical Facility (FMF). The project, originally approved by the Commission in September of 2018, permitted UM-CRH to convert the University of Maryland Laurel Regional Hospital to an FMF operating as the University of Maryland Laurel Medical Center (UM-LMC). The total estimated budget approved by the Commission in September of 2018 was \$53,225,855. In July 2022, the Commission approved an \$18,354,366 increase in total project costs. UM-CRH now requests an additional \$6,780,493 increase in total project costs.

Eric Baker, Program Manager presented the staff update and recommendation. He stated that UM-CRH attributed the increase in total project costs to the addition of a pedestrian connector bridge, delay in delivery of materials, design errors, and inflationary increases in the cost of materials and products from the original construction estimates. He also reported that HSCRC

reviewed the updated financial tables submitted in the Second Request for Post Approval Project Change and opined that because the University of Maryland Medical System (UMMS) was willing to absorb any resulting losses incurred by UM-CRH, the \$6.8M increased cost of bringing UM-LMC to a close may not materially impact UM-CRH's ability to manage the FMF.

Commissioner Buczynski moved to approve the Second Request for Post Approval Project Change-University of Maryland Laurel Regional Hospital Conversion to an FMF (Prince George's County), which was seconded by Commissioner Wood and after discussion, unanimously approved.

ACTION: Second Request for Post Approval Project Change-University of Maryland Laurel Regional Hospital Conversion to Freestanding Medical Facility (Prince George's County) is hereby APPROVED.

AGENDA ITEM 6.

ACTION: MDPCP Advisory Council - Reappointments and Nomination

Anene Onyeabo, Program Manager in the Innovative Care Delivery Division, presented several reappointments and the nominations of Laura Russell and Brian Wheeler to the MDPCP Advisory Council (Council). Ms. Onyeabo stated that Laura Russell is the Director of Health Care Payment at the Maryland Hospital Association with seven years of experience in public health and population health management. Mr. Wheeler is the Vice President of Provider Collaboration and Network Transformation and leads CareFirst BlueCross BlueShield's provider and network-related business functions. The Council provides stakeholder input on operations of the MDPCP and serves a consultative and advisory role to the Secretary of the Maryland Department of Health and the MDPCP Program Management Office. The Commission approved the reappointments and nominations of Laura Russell and Brian Wheeler.

Commissioner Boyle moved to approve the MDPCP Advisory Council - Reappointments and Nomination, which was seconded by Commissioner Jensen and after discussion, unanimously approved.

ACTION: MDPCP Advisory Council - Reappointments and Nomination is hereby APPROVED.

AGENDA ITEM 7.

PRESENTATION: Legislative Update

Tracey DeShields, Director of Policy Development and External Affairs, gave a legislative wrap-up on the 2023 legislative session. Ms. DeShields noted that the 2023 legislative session ended on April 10th (Sine Die) at midnight.

Ms. DeShields provided a few fun legislative facts noted below:

- Sine Die April 10th - The 445th Legislative Session Concluded
- Bills introduced in the Senate – 1,365
- Bills introduced in the House – 1,699
- Bills Passed - 810
- Bills Enacted to Date - 93

Ms. DeShields noted that the legislature passed a \$63 billion budget for the 2024 fiscal year. Ms. DeShields pointed out that, unlike years past, legislators could only decrease budget items as a result of a referendum passed during the 2020 election; and legislators can now increase, decrease and move money around in the Governor's budget.

Ms. DeShields outlined the new MHCC work as a result of the legislative session.

ACTION: NONE

AGENDA ITEM 8.

PRESENTATION: Wear The Cost Application - Status Update

Mahlet Konjit-Solomon (Mahi) presented MHCC's 'Wear the Cost' website. It was launched in 2017, with the aim of providing education on healthcare costs and quality, using Prometheus Analytics that covers over 90 different episode definitions. Since its launch, the website has undergone several updates and improvements with the most recent one being the transfer of the website to a new domain under the management of Onpoint Health Data in January 2022.

The website still faces challenges with the episode groupers Prometheus Episode Grouper which was chosen because it was open source. However, multiple acquisitions have migrated this software into the proprietary domain, and there is currently no 'open source' episode product available in the market.

Despite these challenges, MHCC is committed to prioritizing the successful completion of the upcoming Medicaid and Commercial 2020/2021 release and seeking a multi-year contract for

the 'Wear The Cost' work. The website update is planned for September/October, and MHCC is carefully monitoring the integration of Change HealthCare into Optum.

Mahi stated that staff reevaluated its Wear The Cost communication strategy to tailor the campaign according to Marylanders' health information-seeking behavior, shifting its paid advertising strategy, and focusing the budget on programmatic and search ads to continue raising awareness and educating consumers on healthcare costs and quality. The team continues to use the data to drive the strategy and refresh the ad creatively, and it is proving to be cost-effective and insightful.

ACTION: NONE

AGENDA ITEM 9.

PRESENTATION: Update on compliance with conditions of a Certificate of Ongoing Performance for PCI services for several hospitals

Eileen Fleck, Chief for Acute Care Policy and Planning, presented an update on each of the five hospitals that have one or more conditions on its Certificate of Ongoing Performance for percutaneous coronary intervention (PCI) services. For three of the five hospitals, which have been reporting for two full years, the Executive Director decided to release the hospital from conditions. The hospitals released from conditions on their Certificates of Ongoing Performance for PCI services are Meritus Medical Center, UPMC Western Maryland, and University of Maryland Capital Regional Medical Center. The two hospitals who have been reporting on compliance with conditions for a year and which have not been released from continued reporting are Adventist White Oak Medical Center and Suburban Hospital.

ACTION: NONE

AGENDA ITEM 10.

OVERVIEW OF UPCOMING ACTIVITIES

Mr. Steffen briefly spoke about next month's Commission meeting. For May's Commission meeting, MHCC plans to have several ICFs CONs, a modification on a previously approved project from Adventist Health, a CON application to establish a NICU in Prince George's County, regulations for Acute Care Hospital Services, and a Maryland Healthcare Expenditure Report.

AGENDA ITEM 11.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:40 p.m. upon the motion of Commissioner Boyle, which was seconded by Commissioner Buczynski.