



Thursday, September 21, 2023

MINUTES

Chairman Sergent called the meeting to order at 1:04 p.m.

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

AGENDA ITEM 1.

Approval of the Minutes

Commissioner Jensen made a motion to approve the minutes of the July 20, 2023, and the August 17, 2023, public meeting of the Maryland Health Care Commission (Commission or MHCC), which was held by teleconference hybrid. The motion was seconded by Commissioner O'Connor and unanimously approved.

AGENDA ITEM 2.

Update of Activities

Ben Steffen, Executive Director, gave an update on Workgroups.

1. Commission on Trauma Funding met for the first time in August and gathered input from trauma centers. This group agreed to develop a cost survey.
2. The \$9.5 million Supplemental Trauma Funding Workgroup met the ten trauma centers regarding the distribution of the \$9.5 million in trauma funding. Commission staff is considering three factors to determine funding allocation: (1) Type of trauma center, (2) patient volume, and (3) acuity of the patients seen at the respective centers.
3. Behavioral Health Workforce Assessment is in the proposal stage. The assessment is not due until Summer 2024.
4. Palliative Care : Recommendations and Final Report are being finalized and will be presented in October's Commission meeting.
5. Nursing Home Acquisitions Workgroup is working on recommendations and has met three times.

are in development.

Mr. Steffen discussed several of the Insurance Mandate Studies. Finally, Mr. Steffen indicated that there was one additional mandate study request for the study of Coverage of Hearing Aids for Adults.

AGENDA ITEM 3.

ACTION: Certificate of Need- Hygea Detox Camp Meade (Docket No.: 23-02-2468)

Hygea proposes to establish a 16-bed Track One intermediate care facility with ASAM level 3.7 and 3.7WM services for adults in an existing facility located at 817 S. Camp Meade Rd, Linthicum Heights, Anne Arundel County. The total project cost is \$127,038.

Jeanee-Marie Gawel, Acting CON Chief, presented the staff recommendation. The applicant states the project will serve patients who reside throughout the State of Maryland. The proposed project will improve the availability and access to ICF services for all patients and not have an appreciable impact on costs or charges for substance use disorder treatment services. The project will not adversely impact other existing ICFs in Southern Maryland. Staff recommended approval of the project with the following conditions:

1. Hygea Detox at Camp Meade LLC shall document the provision of a minimum of 15% of patient days to indigent and gray area patients, as defined at COMAR 10.24.14.08B(9) and (11), by submitting annual reports auditing its total days and the provision of days to indigent and gray area patients as a percentage of total days. Such audit reports shall be submitted to the Commission each July first following the issuance of first use approval and continuing for five years thereafter;
2. Hygea Detox at Camp Meade LLC must receive preliminary accreditation for the Level 3.7 services it will provide, including withdrawal management and post-withdrawal treatment programming, by The Joint Commission (TJC) or another accrediting body approved by the Maryland Department of Health prior to First Use approval by the Commission, and must timely receive final accreditation by TJC or another approved accrediting body. [COMAR 10.24.14.05H];
3. Hygea Detox at Camp Meade LLC shall notify the Commission and the Behavioral Health Administration, in writing, within fifteen days after it receives notice that its accreditation has been revoked or suspended or should it lose its State license. If its accreditation has been revoked or suspended for reasons related to health or safety or it loses its State license, Hygea Detox at Camp Meade. LLC shall cease operation until the Behavioral Health Administration notifies the Commission that the deficiencies have been corrected. [COMAR 10.24.14.05H]; and

4. Hygea Detox at Camp Meade LLC shall document referral agreements, prior to First Use approval by the Commission, in the form of letters of agreement or acknowledgment from acute care hospitals, halfway houses, therapeutic communities, alcohol and drug abuse centers, community mental health centers, and mental health and alcohol and drug abuse authorities including local agencies that provide prevention, education, driving while-intoxicated programs, and family counseling. [COMAR 10.24.14.05L]

Commissioner Boyer moved to approve the Certificate of Need- Hygea Detox Camp Meade(DocketNo.:23-02-2468) which was seconded by Commissioner Douglas and after discussion, unanimously approved.

ACTION: Motion to APPROVE the Certificate of Need to establish a 16-bed ICF for Hygea Detox Camp Meade is hereby APPROVED.

AGENDA ITEM 4.

ACTION: Interstate Telehealth Workgroup - Draft Report and Recommendations

Nikki Majewski, Chief, Health Information Technology presented findings from the Interstate Telehealth Expansion Study. The Health and Government Operations (HGO) Committee Chair requested the study (May 2022) after House Bill 670, Maryland Health Care Commission – Study on Expansion of Interstate Telehealth was withdrawn by the bill sponsors. The presentation highlighted nine recommendations and four notable considerations proposed by a staff-convened multi-stakeholder workgroup; five require legislation, two regulations, and six policies. The Commission approved the report with the following modifications: remove one notable consideration and clarify the report is intended to guide first steps and should not be viewed as an exhaustive list of all things to be considered in expanding interstate telehealth. Staff noted the report is due to the HGO by December 1, 2023.

Commissioner Buczynski moved to approve the Interstate Telehealth Workgroup - Draft Report and Recommendations, which was seconded by Commissioner O’Grady and after discussion, unanimously approved.

ACTION: Motion to APPROVE the Interstate Telehealth Workgroup - Draft Report and Recommendations is hereby APPROVED.

AGENDA ITEM 5.

PRESENTATION: Compliance with Conditions for Certificates of Ongoing Performance for PCI Services

Katie Neral, Program Manager for Acute Care Policy and Planning, presented an update on each of the two hospitals, Adventist White Oak Medical Center and Suburban Hospital, that have one or more conditions on its Certificate of Ongoing Performance for percutaneous coronary intervention (PCI) services. Both hospitals have been reporting for two full years, therefore the Executive Director decided to release the hospitals from the conditions on their Certificates of Ongoing Performance.

ACTION: NONE

AGENDA ITEM 6.

PRESENTATION: Primary Care Investment - Analysis and Reporting Plan

David Sharp, Director of the Center for Health Information Technology and Innovative Care Delivery, presented the draft Primary Care Investment Analysis and Reporting Plan (Plan). The Plan, informed by a Primary Care Workgroup, provides a framework to guide completion of an annual analysis required by Senate Bill 734, Maryland Health Care Commission – Primary Care Report and Workgroup (2022). The presentation highlighted key elements of the framework that includes primary care investment definition; covered services billed under a primary care provider’s taxonomy code; and an investment target, approach, and calculation. Staff noted the Plan is due to the legislature by December 1, 2023, and annual reporting begins in 2024.

ACTION: NONE

AGENDA ITEM 7.

PRESENTATION: Draft Emergency Regulations - Release for Informal Public Comment: COMAR 10.25.18, Health Information Exchanges: Privacy and Security of Protected Health Information and COMAR 10.25.07, Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses

Anna Gribble, Program Manager in the Health Information Technology Division, presented draft amendments to Chapters 7 and 18 of the Code of Maryland Regulations (COMAR), which are required to support the implementation of House Bill 812, Health – Reproductive Health Services – Protected Information and Insurance Requirements (2023). The law prohibits the disclosure of legally protected health information by health information exchange and electronic health network entities operating in the State and requires MHCC to develop emergency regulations. Staff noted that it plans to present the emergency regulations at the October 19th Commission meeting.

ACTION: NONE

AGENDA ITEM 8.

OVERVIEW OF UPCOMING ACTIVITIES

Mr. Steffen briefly spoke about October's Commission meeting, several CON's, findings from CMS Total Costs of Care and some regulations.

AGENDA ITEM 9.

ADJOURNMENT

Chairman Sergent asked for a motion to adjourn the meeting, and after there being no further business, the meeting was adjourned at 3:49 p.m. upon the motion of Commissioner Buczynski, which was seconded by Commissioner Jensen.

ACTION: NONE