



Thursday, February 22, 2024

MINUTES

Chairman Sergent called the meeting to order at 1:07 p.m.

Commissioners present via telephone and in person: Bhandari, Blake, Boyle, Buczynski, Cheatham, Douglas, Gelrud, Gilmore, Jensen, Spinner, Wang and Wood.

AGENDA ITEM 1

Approval of Minutes on the Consent Agenda

Commissioner Wang made a motion to add the minutes to the consent agenda for the present meeting and all future meetings. The motion was seconded by Commissioner Jensen and unanimously approved.

AGENDA ITEM 2

ACTION: CONSENT AGENDA

- A. COMAR 10.24.10 for Final Approval
- B. Approval of Minutes: January 18, 2024

There were two items on the consent agenda: (A) adoption of COMAR 10.24.10 as final regulations and (B) approval of the January 18, 2024 Commission meeting minutes. The Commission did not receive any comments on the proposed COMAR 10.24.10 regulations and there were no changes to the language from what was proposed. Both items were adopted without objection.

ACTION:

- A. **COMAR 10.24.10 is hereby ADOPTED as final regulation**
- B. **Minutes for January 18, 2024, Commission meeting are hereby APPROVED**

AGENDA ITEM 3

Update of Activities

Ben Steffen, Executive Director for Maryland Health Care Commission (MHCC or Commission), discussed the completion of the 2023 Annual Report. Mr. Steffen thanked

Theresa Lee and her team for completing the report in a timely manner. A copy was also given to all legislative committee members for our budget presentation.

Mr. Steffen commended David Sharp for his participation in the Secretary of Health's Primary Care Technical Advisory Committee. This committee is for the planning of funding opportunities for the Advancing All-Payer Health Equity Approaches and Development (AHEAD) model. This is a very important opportunity for the State of Maryland for funding. The goal of the committee is to gather input from diverse sets of stakeholders in primary care, hospitals, and population health. Mr. Steffen stated that the winners will be announced by May and will be awarded \$12 million with an eighteen-month implementation period.

AGENDA ITEM 4

ACTION: University of Maryland Upper Chesapeake Medical Center, Inc. and UM Harford Memorial Hospital, Inc. Docket No. 17-12-EX003 - Request for Post-Approval Project Change

The University of Maryland Upper Chesapeake Health System (UCHS) proposed to restructure its health care services by modernizing the UCHS delivery system and consolidating services. As a part of this restructuring plan, UCHS proposed the merger and consolidation of University of Maryland Upper Chesapeake Medical Center (UCMC) and University of Maryland Harford Memorial Hospital (HMH) by relocating medical/surgical/gynecological/addictions (MSGA) beds from HMH to UCMC.

To accommodate the relocation of beds, the Commission granted an Exemption from Certificate of Need Review on April 16, 2020, authorizing UCMC to construct a 78,870 square foot three-story bed tower above the existing two-story University of Maryland Kaufman Cancer Center. There were four components of this project: (1) the fifth floor housing a 30 bed MSGA unit; (2) the fourth floor housing a 42- bed dedicated observation unit; (3) the third floor built as shell space; and (4) the 20,960 square feet combined renovation and additions to the UCMC's existing main hospital to expand support services, food services, environmental services, IT, and a Fire Command Center for the high-rise building.

The estimated approved costs for this project in the Exemption were \$84,406,807. The applicants requested a project change to increase the capital costs by \$13,379,892, a 15.9 percent increase for the project. The increase brought the total construction expenditure to \$97,786,699. UCMC and HMH state the increased budget was driven by multiple factors: (1) the COVID-19 pandemic and economic market significantly affected labor and material costs; (2) the need for architectural, engineering, and structural redesign due to previously unknown conditions of the existing roof and support beams on top of which the three-story project; (3) increased costs associated with the redesign of the mechanical systems which required the use of temporary equipment (electrical panels, chillers and other mechanical equipment); and (4) the failure of a subcontractor to perform the contract work on mechanical systems.

Eric Baker, Program Manager presented the staff recommendation to approve the requested project change. Commissioner Cheatham moved to approve the University of Maryland Upper Chesapeake Medical Center, Inc. and UM Harford Memorial Hospital, Inc. - Request for Post Approval Project Change, which was seconded by Commissioner Wang and, after discussion, unanimously approved.

ACTION: University of Maryland Upper Chesapeake Medical Center, Inc. and UM Harford Memorial Hospital, Inc. - Request for Post Approval Project Change is hereby APPROVED.

AGENDA ITEM 5

ACTION: COMAR 10.24.01.12 Procedural Regulations for Health Care Facilities and Services--Proposed Regulations

Ms. Hawk presented the policy background to support the staff recommendation to amend Regulation .12 of COMAR 10.24.01, *Procedural Regulations for Health Care Facilities and Services*, to add financial penalties for non-compliance with the regulations governing certificates of need (CON) and other health planning approvals. The Commission has recently been presented with several instances of non-compliance with current regulations; however, the only enforcement remedy was to withdraw its approval, which could have the effect of closing a healthcare facility or service and jeopardize access to healthcare. The proposed regulations would give the Commission additional means of enforcement. Ms. Bertinelli, Assistant Attorney General for the Commission, reviewed the draft regulations. The draft regulations specify a cap on financial penalties of \$100 per day for failure to timely provide a semiannual progress report and \$50,000 per violation for any other violation.

Commissioner Buczynski moved to amend the draft regulations to change the cap on financial penalties to 1% of the project budget per violation, which was seconded by Commissioner Cheatham and unanimously approved. Commissioner Douglass moved to approve COMAR 10.24.01.12 Procedural Regulations for Health Care Facilities and Services as proposed regulations, subject to the amendment, which was seconded by Commissioner Jensen, and after discussion, unanimously approved.

ACTION: COMAR 10.24.01.12, subject to amendment, is hereby APPROVED as proposed permanent regulations.

AGENDA ITEM 6

ACTION: MDPCP Advisory Council - Nominations

Melanie Cavaliere, Chief, Innovative Care Delivery Division, presented the nominations of Claudia Cicchetti, Nora Hoban, Carelene James, and John Lease to the MDPCP Advisory Council (Council). The nominations were provided by the MDPCP Program Management Office for the *MDPCP Primary Care Practice Staff/Leaders* and *Medical Societies*

membership categories. 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 nominations of Claudia Cicchetti, Nora Hoban, Carelene James, and John Lease.

Commissioner Gilmore moved to APPROVE the MDPCP Advisory Council - Nominations, which was seconded by Commissioner Wood and, after discussion, unanimously approved.

ACTION: MDPCP Advisory Council - Nominations is hereby APPROVED.

AGENDA ITEM 7

PRESENTATION: Legislative Update

Tracey DeShields, Director of Policy Development and External Affairs gave a legislative update on the legislative session. She noted that February 23 will be the halfway point of the legislative session. In the Senate, over 1200 bills had been introduced and in the House over 1600 bills had been introduced. Ms. DeShields went over the bills coming up for a bill hearing and the recommended position for the MHCC to take on a particular bill.

The Commissioners discussed HB 804- *Certificate of Need- Psychiatric Health Care Facilities and Psychiatric and Mental Health Services- Exemption*. The bill aims to remove certificate of need approval to establish or operate a psychiatric health care facility. Commissioner Jensen moved to oppose HB 804, which was seconded by Commissioner Boyle and after discussion, unanimously approved.

ACTION: Motion to Oppose HB 804 is hereby APPROVED.

Next, Commissioners discussed *HB 1439- Public Health- Funding for Trauma Centers and Services*. MHCC supports this bill with a technical amendment. Next, Commissioners discussed *HB 778- Health Insurance- Hearing Aids for Adults- Coverage*. Commissioner Buczynski moved to provide a letter of information for HB 778, which was seconded by Commissioner Cheatham, and after discussion, unanimously approved.

ACTION: Motion to provide a letter of information for HB 778 is hereby APPROVED.

Commissioners discussed *HB 1092- Vehicle Registration- Emergency Medical System Surcharge- Increase and Distribution of Funds*, which increases the motor vehicle registration emergency medical system surcharge, which would be allocated to the R Adams Cowley Shock Trauma Center and the balance to the Maryland Emergency Medical System Operations Fund. Commissioner Jensen moved to support HB 1092, which was seconded by Commissioner Cheatham, and after discussion, unanimously approved.

ACTION: Motion to support HB 1092 is hereby APPROVED.

Finally, the Commissioners engaged in a discussion on *HB 1423 Step-Therapy and Medicaid reimbursement*. Ms. DeShields was tasked to follow up with Medicaid concerning their opposition and the potential fiscal impact. There was a motion to table further discussions on HB 1423, which was seconded, and approved by a majority of Commissioners present and voting. Commissioners Buczynski and Bhandari opposed the motion.

ACTION: Motion to table HB 1423 is hereby APPROVED.

AGENDA ITEM 8

PRESENTATION: Overview and Update on Activities that Support our Quality Reporting Initiatives

The Maryland Health Care Commission maintains the *Maryland Health Care Quality Reporting* consumer website in fulfillment of its mandate to increase transparency and informed decision-making among consumers and to facilitate improvements in the delivery of care in Maryland. Theresa Lee and Sametria McCammon from the Center for Quality Measurement and Reporting summarized the Center's activities that support this public reporting initiative including the data infrastructure, and collaborative efforts. They also highlighted efforts to increase public awareness of the consumer website such as the use of social media, participating in health fairs, and providing remote website demonstrations at community-based organizations.

ACTION REQUESTED: NONE

AGENDA ITEM 9

PRESENTATION: Update on the Activities of the Maryland Patient Safety Center

Maryland State law authorizes MHCC to designate an organization to serve as the patient safety center for the state and to develop, coordinate, and implement patient safety initiatives across the state. MHCC has designated the Maryland Patient Safety Center, Inc. to serve that important role through 2025. The law also requires that MHCC monitor performance of the patient safety center based on standards and requirements set by the Commission. Stephanie Peditto, the new President and CEO of the Maryland Patient Safety Center, Inc. introduced herself and discussed her vision for the organization. She then highlighted the Center's activities and accomplishments from July through December 2023.

ACTION REQUESTED: NONE

AGENDA ITEM 10

OVERVIEW OF UPCOMING ACTIVITIES

Mr. Steffen briefly spoke about March's Commission meeting. He stated that there will be an update on legislation, likely an update on reproductive health, and one CON matter.

ACTION REQUESTED: NONE

AGENDA ITEM 11

ADJOURNMENT

Chairman Sergent asked for a motion to adjourn the meeting. There being no further business, the meeting was adjourned at 4:41 p.m. upon the motion of Commissioner Douglas and second by Commissioner Gelrud.