



Thursday, May 16, 2024

MINUTES

Chairman Sergent called the meeting to order at 1:13 p.m.

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

AGENDA ITEM 1A

ACTION: CONSENT AGENDA

1A. Approval of Minutes for April 18, 2024, and closed session meeting. These items were adopted without objection.

AGENDA ITEM 2

Update of Activities

Ben Steffen, Executive Director of the Maryland Health Care Commission (MHCC or Commission), discussed relevant bills waiting to be signed by the Governor: (1) Trauma Funding legislation: HB 1439/SB 1092; (2) Nursing Home Acquisitions SB 1000/HB 1122; (3) Maternal Health Assessments, Referrals, Reporting -- SB 1059/ HB 1051; (4) Health Insurance - Utilization Review - Revisions SB0791/HB0932; (5) Hospitals and Related Institutions - Residential Treatment Centers - Accreditation SB 0403/HB 1134; (6) Legally Protected Health Care - Gender-Affirming Treatment SB 0119; (7) Health Insurance - Breast and Lung Cancer Screening - Coverage Requirements HB 1259; and (8) Health Insurance - Hearing Aids for Adults - Coverage SB 0778/HB 1339.

Mr. Steffen discussed the upcoming summer work for MHCC. The AHEAD Model Award Announcements are scheduled for next month. Mr. Steffen also spoke about MHCC's work on the Health Care Workforce, Behavioral Health, and Reproductive Health.

Next, Mr. Steffen talked about academic achievements within MHCC. Mahlet Konjit-Solomon obtained her Doctorate in Public Health from Indiana University PhD (Doctor of Public Health) in Global Health Leadership. Sametria McCammon received her Doctorate in Public Health (Dr.PH) from the University of South Florida, using Persona-Based Social Media Messaging to Increase Social Engagement.

AGENDA ITEM 3

ACTION: Project Change Request: Conversion of Edward W. McCready Memorial Hospital to an FMF (Docket No. 19-19-EX010)

Moira Lawson, Program Manager, presented the Tidal Health Peninsula Regional request for project change after exemption from Certificate of Need to change the final location of the TidalHealth McCready Pavilion, a freestanding medical facility providing rate-regulated outpatient services as well as emergency services and observation in Crisfield. Dr. Lawson stated that the FMF continues to provide appropriate delivery of emergency care within the statewide emergency medical services system as well as primary care, physical, occupational, and speech therapy, and behavioral health care at the current site, as the search for a new site continues. Dr. Lawson stated that the project request is a permissible modification as it does not include material changes to the nature of the project or the immediate capacity. Further, the change would not alter the original findings in 2020 concerning the effective delivery of health care services, public interest, and appropriate delivery of emergency care within the statewide emergency medical services system.

A motion to approve the Project Change After Exemption from Certificate of Need was made with the following conditions:

1. TidalHealth Peninsula Regional will submit a new application for a Certificate of Need prior to finalizing any plans to relocate the FMF from its current location at 201 Hall Highway, Crisfield.
2. TidalHealth Peninsula Regional will inform the Commission and hold a public informational hearing at least 90 days prior to making any changes to the services currently being offered at the TidalHealth McCready Pavilion. In addition to satisfying all other requirements at COMAR 10.24.01.04D, the public informational hearing shall address the plan for transitioning any healthcare services to be discontinued or relocated from the current site.

The motion was seconded and was unanimously approved.

Commissioner Wang moved to APPROVE the Project Change Request: Conversion of Edward W. McCready Memorial Hospital to an FMF, which was seconded by Commissioner Jensen and, after discussion, unanimously approved.

ACTION: Project Change Request: Conversion of Edward W. McCready Memorial Hospital to an FMF is hereby APPROVED.

AGENDA ITEM 4

PRESENTATION: Legislative Wrap-Up

Tracey DeShields, Director of Policy Development and External Affairs gave a legislative wrap up on the 2024 legislative session. Ms. DeShields noted that the 2024 legislative session ended on April 8th (Sine Die). Ms. DeShields noted :

- Sine Die April 8th - The 446th Legislative Session Concluded
- Bills introduced in the Senate - 1576
- Bills introduced in the House - 1902
- Bills Passed - 1057
- Bills Enacted to Date - 702

Ms. DeShields did an overview of the major legislative initiatives by the Governor and legislature. She noted that the legislature passed a \$63.1 billion budget for the 2025 fiscal year and the budget anticipates a deficit of 1.8 percent of the overall fiscal year state budget. The budget included \$9.2 billion in operating funds for public schools and \$906 million in capital funds for public school construction. The legislature put \$2.34 billion into the Rainy-Day Fund and while there was a projected \$969 million surplus in the state's general fund at the end of FY 2024, it is anticipated that it will decline to \$110 million.

ACTION REQUESTED: NONE

AGENDA ITEM 5

PRESENTATION: Nursing Home Family Experience of Care Survey Results for 2023

Each year the Center for Quality Measurement and Reporting conducts the Nursing Home Family Experience of Care survey. The loved ones of Maryland nursing home residents are given the opportunity to express their feelings about the care their loved one receives. Stacy Howes, Chief of Long-Term Care and Health Plan Quality Initiatives shared the results of the 2023 survey.

Overall, the results were positive this year with the scores increasing slightly in all categories compared to previous years. Additionally, the response rate significantly increased this year compared to previous years due to a change in methodology. The loved ones of nursing home residents in Maryland seems to be satisfied with certain, specific aspects of their loved ones' nursing home experiences (e.g., security, autonomy and resident rights, care provided to residents, etc.), but their overall satisfaction is lower than we would like (though higher than the last year). Commissioners were interested in learning details about the survey such as who filled out the survey and if the resident could fill it out themselves if they did not have any family. One commissioner asked about the open ended question and if we would follow up with the respondents. We do follow up with individuals who indicate that they need help in some way (e.g., food assistance, help filing a complaint, etc.).

ACTION REQUESTED: NONE

AGENDA ITEM 6

PRESENTATION: The History of MHCC’s Oversight of Cardiac Services and What Comes Next

Ms. Wynne Hawk, Director for the Center for Health Care Facilities Planning and Development, presented an overview of the history of MHCC regulatory oversight of cardiac services. The presentation included an oversight of the various State agencies that have a regulatory role, the history of certificate of need in Maryland, and cardiac services specifically; a timeline of key steps in the evolution of open heart surgery to cardiac surgery, the requirement for PCI programs to be co-located at hospitals with cardiac surgery; the two C-PORT clinical research trials that resulted in the American College of Cardiology and the American Heart Association revision of the guidelines to allow PCI at hospitals without on-site cardiac surgery.

Ms. Hawk also reviewed two key events: the conclusion of the CPORT clinical trials and cases in Maryland involving physicians overutilization of PCI use. These developments precipitated legislation in 2012 requiring the MHCC to establish a new framework for consistent oversight of PCI services that included peer and independent review and the establishment of certificates of conformance and certificates of ongoing performance. The legislation also created a clinical advisory group to provide guidance. The presentation concluded with a discussion of what is likely to be future statutory and regulatory issues related to volume requirements and the migration of PCI from hospital to ambulatory settings.

ACTION REQUESTED: NONE

AGENDA ITEM 7

PRESENTATION: Key Telehealth Initiatives and 2023 Legislative Telehealth Studies Update - SB 534 Preserve Telehealth Access Act of 2023 and HB 1148 Behavioral Health Care – Treatment and Access (Behavioral Health Model for Maryland)

Justine Springer, Program Manager in the Division of Health Information Technology, presented on telehealth studies required by two bills passed during the 2023 session of the General Assembly. Milliman, Inc. was competitively selected to complete the studies. Ms. Springer overviewed the scope of the telehealth studies, activities underway, and preliminary observations from an analysis of data from MHCC’s All-Payer Claims Database. Findings and recommendations are due to the General Assembly by December 1, 2024.

ACTION REQUESTED: NONE

AGENDA ITEM 8

OVERVIEW OF UPCOMING ACTIVITIES

Mr. Steffen briefly spoke about June's Commission meeting. He stated that there will be one certificate of need (CON) action, a request for exemption, a project change, final approval for regulation 10.25.02 and 10.25.03, and an action on the State Recognition of an Electronic advance directive services.

ACTION REQUESTED: NONE

AGENDA ITEM 9

ADJOURNMENT

Chairman Sergent asked for a motion to adjourn the meeting. There being no further business, the meeting was adjourned at 4:14 p.m. upon the motion of Commissioner Wang and second by Commissioner Jensen.