



Thursday, June 20, 2024

MINUTES

Chairman Sergent called the meeting to order at 1:10 p.m.

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

AGENDA ITEMS 1A & 1B

ACTION: CONSENT AGENDA

1A. Approval of Minutes: June 20, 2024

1B. Final Approval of the User Fee Regulation 10.25.03

Both items were adopted without objection.

AGENDA ITEM 2

Update of Activities

Ben Steffen, Executive Director of the Maryland Health Care Commission (MHCC or Commission), welcomed the Health Secretary and introduced her to the Commission. Health Secretary Laura Herrera Scott, M.D. Dr. Scott is a veteran of the United States Army Reserves, serving from 1998-2008 as a Major in the Medical Corps. She received a master's degree in public health from Johns Hopkins University and a Doctor of Medicine from SUNY Health Science Center in Brooklyn, New York. Before joining the Moore Administration, Dr. Herrera Scott was Executive Vice President of Population Health at Summit Health. Earlier she served as Vice President of Clinical Strategy at Anthem. During the last four years of the O'Malley Administration, she served as Deputy Secretary of Public Health Services. Dr. Herrera Scott is a staunch advocate for expanding access to primary care.

Mr. Steffen talked about Meritus' acquisition of Brook Lane, which is a 30-Bed Psychiatric Hospital in Washington County. MHCC staff determined that no certificate of need (CON) was necessary for the acquisition.

Mr. Steffen reported on Hospital Bond Projects. The Maryland Hospital Association (MHA) Hospital Bond Project Review Committee, composed of a mix of hospital trustees and hospital executives, reviews the applications. Representatives from the Department of Budget and

Management and the Department of Legislative Services serve in a non-voting, ex-officio capacities to provide technical assistance to the Committee.

The MHA Hospital Bond Project Review Committee will consider 22 projects from 17 hospitals. MHCC is required to review proposed projects to determine whether a CON is required. MHCC determined that none of these capital projects is subject to CON review. Hospitals generally do not submit proposals that a CON because of the rapid turnaround of the MHA review process.

Mr. Steffen spoke about the requirement under COMAR 10.24.01.04E for Staff to report to the Commission the status of all exemption from CON requests that has not been acted upon within 45 days. The MHCC did not meet the timeframe for a request for an exemption related to the merger and consolidation of the University of Maryland Rehabilitation and Orthopaedic Institute and University of Maryland Medical Center. This project and a related project change request will be considered at the July Meeting.

Mr. Steffen talked about regulations currently being reviewed by staff, including: COMAR 10.25.10 Trauma Regulations; COMAR 10.24.20 State Health Plan for Facilities and Services: Comprehensive Care Facility Services; and COMAR 10.25.18 Health Information Exchanges: Privacy and Security of Protected Health Information.

Finally, Mr. Steffen reviewed some of the studies MHCC has been asked to conduct. Mr. Steffen stated that MHCC received a request to study the payment formula for out-of-network payments by health maintenance organizations and another request was received for a study on the impact of the changing health insurance landscape in Maryland due to acquisitions of other health care services and businesses.

AGENDA ITEM 3

PRESENTATION: Primary Care in Maryland, the work of MHCC in Primary Care Investment, and their role in AHEAD

Dr. Herrera Scott provided an overview of the state of primary care in Maryland and MHCC's role in the All-Payer Health Equity Approaches and Development (AHEAD) Model.

ACTION REQUESTED: NONE

AGENDA ITEM 4

ACTION: Certificate of Need Application: Sterling Care Hillhaven (Docket No. 24-16-2469)

Jeanne Marie Gawel, Acting CON Chief, briefed the Commissioners on the recommendation to approve a CON application filed by Hillhaven SNF Operator, LLC dba Sterling Care Hillhaven (Hillhaven) for a 32-bed addition to its current 66-bed comprehensive care facility (CCF). The project will address a need in Prince George's County for additional CCF beds, especially in private rooms.

Ms. Gawel shared that the proposed project has 24,834 square feet (SF) of new construction and 1,300 SF of renovations. The total estimated cost of the project is \$7,550,000. The applicant identified the source of project funding as \$2,750,000 in cash and a mortgage for the remaining \$4,800,000.

In conclusion, she stated that staff recommends that the Commission find that this project will be beneficial for the healthcare delivery system and recommends that the Commission approve the project with the following conditions:

1. For three years after receiving first use, Hillhaven shall demonstrate progress in increasing the number of Medicaid patient days as a proportion of total patient days in reports it shall file semi-annually with the Commission that identify the number and percentage of Medicaid patient days and total patient days at Hillhaven for the previous period, and also providing this information for other payor sources during that time period;
2. Prior to seeking first use approval, Hillhaven shall document that the percentage of Medicaid patient days as a proportion of total patient days meets or exceeds the requirement in its most recently signed Memorandum of Understanding with the Maryland Medical Assistance Program; and
3. Hillhaven shall continue to maintain the minimum proportion of Medicaid patient days required in Prince George's County in its Memorandum of Understanding with the Maryland Medical Assistance Program.

Commissioner Boyle moved to APPROVE the Certificate of Need Application for Hillhaven SNF Operator, LLC dba Sterling Care Hillhaven, which was seconded by Commissioner Gelrud and, after discussion, unanimously approved.

ACTION: Certificate of Need application for Hillhaven SNF Operator, LLC dba Sterling Care Hillhaven is hereby APPROVED.

AGENDA ITEM 5

ACTION: Certificate of Ongoing Performance for Percutaneous Coronary Intervention Services for Luminis Anne Arundel Medical Center (Docket No. 24-02-CP048)

Eliot Burkom, Program Manager, presented the staff report and recommendation for the Certificate of Ongoing Performance application submitted by Luminis Anne Arundel Medical Center (AAMC) for primary and elective percutaneous coronary intervention (PCI) services. He provided an overview of the staff's analysis of AAMC's Ongoing Performance application to allow the hospital to continue providing primary and elective PCI services for four years. There were no questions from Commissioners on the staff report.

Commissioner Stroughton-Duncan moved to APPROVE the Certificate of Ongoing Performance for Percutaneous Coronary Intervention Services for Luminis Anne Arundel Medical Center for four years, which was seconded by Commissioner Douglas and, after discussion, unanimously approved.

ACTION: Certificate of Ongoing Performance for Percutaneous Coronary Intervention Services for Luminis Anne Arundel Medical Center is hereby APPROVED for four years.

AGENDA ITEM 6

ACTION: State Recognition of an Electronic Advance Directive Service: ADVault, Inc.

Justine Springer, Program Manager in the Division of Health Information Technology, presented the staff recommendation to renew ADVault, Inc.'s State Recognition. Ms. Springer noted that COMAR 10.25.19, State Recognition of an Electronic Advance Directives Service, requires an electronic advance directives vendor to be State recognized to connect to the State-Designated Health Information Exchange. She also reviewed the privacy and security controls implemented by ADVault, Inc., along with initiatives to raise consumer awareness about electronic advance directives.

Commissioner Douglas moved to APPROVE the State Recognition of an Electronic Advance Directive Service: ADVault, Inc., which was seconded by Commissioner Boyle and, after discussion, unanimously approved.

ACTION: State Recognition of an Electronic Advance Directive Service: ADVault, Inc. is hereby APPROVED.

AGENDA ITEM 7

ACTION: COMAR 10.24.01.12 - Penalties for Non-Compliance - Final Regulations

Wynee Hawk, Director, Center for Health Care Facilities and Planning, and Alexa Bertinelli, Assistant Attorney General, presented the final regulations for COMAR 10.24.01.12. In February, the Commission approved proposed regulations authorizing the Commission to impose financial penalties for violations of the procedural regulations governing certificate of need and other health planning approvals. Ms. Hawk and Ms. Bertinelli summarized the comments received on the proposed regulations and explained why no change to the proposed language was recommended.

Commissioner Gelrud moved to ADOPT COMAR 10.24.01.12 - Penalties for Non-Compliance - Final Regulations, which was seconded by Commissioner Duncan and, after discussion, unanimously approved.

ACTION: COMAR 10.24.01.12 - Penalties for Non-Compliance - Final Regulations is hereby ADOPTED.

AGENDA ITEM 8

PRESENTATION: Preliminary Findings from the Behavioral Health Workforce Assessment as Required in SB 283 (Mental Health - Workforce Development - Fund Established)

President and CEO of Trailhead Strategies, Andrew Hall, provided an update on preliminary findings from the Behavioral Health Workforce Assessment. The Maryland General Assembly passed SB 283 establishing the Behavioral Health Workforce Investment Fund to provide funding for training and retaining behavioral health professionals and paraprofessionals. To gauge the scope of the need, MHCC was charged with conducting a comprehensive behavioral health workforce needs assessment and report the findings to the Committees by October 1, 2024. The MHCC contracted with Trailhead Strategies to conduct the assessment.

ACTION REQUESTED: NONE

AGENDA ITEM 9

OVERVIEW OF UPCOMING ACTIVITIES

Mr. Steffen briefly spoke about July's Commission meeting. He stated that there would be one project change request from the University of Maryland Medical Center, one request for exemption from CON review from the University of Maryland Rehabilitation and Orthopaedic

Institute, and an update on validation and exemption requests submitted by health information exchanges related to the requirements of HB 812 (2023).

ACTION REQUESTED: NONE

AGENDA ITEM 10

ADJOURNMENT

Chairman Sergent asked for a motion to adjourn the meeting. There being no further business, the meeting was adjourned at 4:08 p.m. upon the motion of Commissioner Douglas and second by Commissioner Duncan.