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## **Nursing Home Acquisition Workgroup**

### **MEETING SUMMARY**

Monday, November 13, 2023

10:00 am – 12:00 pm

Recording Link: <https://www.youtube.com/watch?v=L1euQqikTdk>

### **Attendees**

#### *In Person*

Ben Steffen  
Jeanne-Marie Gawel  
Julie Beard  
Rachel Bervell

Stacy Howes  
Theresa Lee  
Tracey DeShields  
Wynee Hawk

#### *Virtual*

Alexa Bertinelli  
Alexandra Baldi  
Allison Ciborowski  
Amanda Celentano  
Andrea Nunez  
Ann MacKay  
Anna Palmisano  
Bonnie DiPietro  
Caitlin Tepe  
Catherine Victorine  
Claudia Balog  
Commissioner Marcia Boyle  
Daniel Shattuck

Danna Kaufman  
Delegate Samuel Rosenberg  
Dorinda Adams  
Erin Davis  
Heather Reed  
Henry Schwartz  
Hope Morris  
Howard Sollins  
Isabella (Izzy) Shycoff  
James Forsyth  
Jane Sacco  
Jim Sanders  
Joe DeMattos

John Spadaro  
Joshua Auerbach  
June Chung  
Kevin Heffner  
Linda Cole  
Lisa Simpson  
Lou Grimmel  
Paul Miller  
Randi Ames  
Senator Pamela Beidle  
Shelly Martin  
Stevanne Ellis  
Teresa Brown  
Tricia Nay

### **10:15 am (late start due to technology)**

Dr. Stacy Howes opened the meeting with a welcome, updates, a review of the agenda and prior meeting minutes. Dr. Howes read each recommendation and Jeanne Marie Gawel added in any comments that were received in writing prior to the meeting. Written comments received were from Anna Palmisano, Claudia Balog, Jane Sacco, Lou Grimmel and Ann McKay.

## **10:20 am Pre- Acquisition**

### Recommendation 1

Dr. Anna Palmisano stated that this was a comprehensive list and showed commitment to transparency.

### Recommendation 2

Dr. Patricia Nay stated that regarding ability to staff post-acquisition surveys that the AAGs are looking at the issues. Mr. Steffen stated that we need the legislation for MHCC to deny instead. Ms. Tracey DeShields stated that we need clarity around whether OHCQ can deny acquisitions. Wynne Hawk stated that because OHCQ's licensure is after the acquisition the purchase is already complete.

## **10:25 am Post Acquisition**

### Recommendation 3

Mr. Lou Grimmel stated it should be three years, and not two years of collected data; he also stated CCFs should be able to reduce multi-bed rooms by 10 percent. Mr. Howard Sollins stated we should have financial metrics reviewed by the accountant. He said we might want to look at the Payroll Based Journal (PBJ) on CMS or the 3.0 direct care staffing mandate already in place. Dr. Palmisano stated that we need to look at the ratio of direct care being provided for each resident. Ms. Stevanne Ellis added that the definition of "hands on care" is sometimes not clear. Ms. Balog added that we should look at the PBJ reports that give real-time data on staffing. She also stated that we need a measure of how many public dollars are being spent on patient care. Ms. McKay suggested adding occupancy levels to data collected because it shows the health of the facility. Ms. DeShields said if the information is not provided we should consider penalties. Mr. Steffen stated we can enrich the data and include utilization metrics.

## **10:30 am Statutory Changes**

### Recommendation 4

Dr. Palmisano stated we should aim higher than the CON quality standard. Mr. Steffen replied that the Commission is looking at that standard. Ms. McKay stated we should tie ownership to quality. Ms. Erin Davis reminded the group of the ongoing struggle with hospital throughput (sometimes to nursing homes) and think about how workgroup recommendations might impact the benefit to the community. Mr. Joe DeMattos added that policies can have consequences even if they are unintended. Mr. Sollins stated we do not want to drive away new buyers. Mr. Steffen replied that Maryland is an attractive market to nursing home buyers because of our low Medicare advantage enrollment, better Medicaid rates and stable relationship with regulators.

## **10:50 am**

### Recommendation 5

No comments

## **10:55 am**

### Recommendation 6

Dr. Palmisano stated we need to clarify "incremental". Mr. Paul Miller added that the Medicaid Memorandum of Understanding (MOU) is outdated because all facilities take Medicaid and there is a current struggle with occupancy. Mr. Grimmel stated we should require facilities to reduce the multi-bed (more than two residents per room) rooms by 10%. Mr. James Forsythe said Medicaid patients should not be relegated to triple and quad rooms. Mr. DeMattos reminded the group that most nursing home residents are in double rooms.

### **11:15 Recommendations for the Department of Health**

#### Recommendation 7

Dr. Palmisano questioned if this is an unfunded mandate. Senator Beidle stated she had spoken with OHCQ and was going to request more staffing for them for post-acquisition surveys – she added this should be done in the next budget. Dr. Nay stated the staffing she needs is 1 coordinator and six surveyors per area.

### **11:30 am Recommendations for the Attorney General**

#### Recommendation 8

Mr. Steffen stated we are exploring the OAG authority in nursing home acquisitions. Ms. Shelley Martin (OAG) said that they currently do not have authority in this area and we should re-word this recommendation.

### **11:35 am**

Dr. Howes closed the meeting with the next steps. The final draft of the report will be distributed by November 17 and feedback will be due by November 29. The goal is to present to the Commission for the December meeting and submit the report to the legislature in early January 2024.