

MARYLAND HEALTH CARE COMMISSION

UPDATE OF ACTIVITIES

March 2023

EXECUTIVE DIRECTION

Government Relations and Special Project – Tracey DeShields

State Policy Update

The 2023 legislative session continues and is we are 60 days into the session. While there have been over 3,000 bills introduced the legislature however about a third of those may pass out of the Senate and the House. Budget hearings were held for the regulatory commissions on February 23rd in the House and on March 6th in the Senate. The budget hearings went well with very few questions. We had a few bill hearings that we weighed in on:

We discussed and reviewed seven (7) bills and confirmed positions on three:

- 1) *SB283/HB418 - Mental Health - Workforce Development - Fund Established - Letter of Support;*
- 2) *SB493/HB675 - Commission to Study Trauma Center Funding in Maryland – Support;*
- 3) *SB509/HB702 - Health Care Facilities - Nursing Homes - Acquisitions and Licensure – Support w/Amendments;*
- 4) *SB582/HB1148 - Behavioral Health Care - Treatment and Access (Behavioral Health Model for Maryland)- Support;*
- 5) *SB534 Preserve Telehealth Access Act of 2023 – Support;*
- 6) *SB387/HB274 -Task Force on Reducing Emergency Department Wait Times – Support w/Amendments;*
- 7) *SB648/HB786 - Electronic Health Networks and Electronic Medical Records - Nursing Homes - Release of Records – Support; and*
- 8) *SB786/HB812 - Health - Reproductive Health Services - Protected Information and Insurance Requirements.*

The bills we did not take a position on we are tracking. We continue monitoring the happenings of the legislative session.

MHCC-related news coverage: selected articles and commentary

All-Payer (Total Cost of Care)

McKee, G., OPINION, *A Maryland experiment shows a better way to reduce health care spending*, 03/02/23, The Hill.

<https://thehill.com/opinion/healthcare/3873633-a-maryland-experiment-shows-a-better-way-to-reduce-health-care-spending/>

Behavioral Health

MACo Staff, *Maryland Department of Health Releases Youth Risk Behavior Survey*, March 2, 2023, Conduit Street

<https://conduitstreet.mdcountries.org/2023/03/02/maryland-department-of-health-releases-youth-risk-behavior-survey/>

WCBC Radio, *Maryland Department of Health releases 2021-2022 Youth Tobacco Survey data*, March 2nd, 2023

<https://www.wcbradio.com/?news=maryland-department-of-health-releases-2021-2022-youth-tobacco-survey-data>

WTOP News, *‘Zombie drug’ challenging response to Maryland opioid crisis*, March 2, 2023

<https://www.marylandmatters.org/2023/03/02/zombie-drug-challenging-response-to-maryland-opioid-crisis/>

Medicaid

Press Release MDH, Maryland Department of Health urges Medicaid enrollees to update their contact information ahead of redetermination period, February 28, 2023

<https://health.maryland.gov/newsroom/Pages/Maryland-Department-of-Health-urges-Medicaid-enrollees-to-update-their-contact-information-ahead-of-redetermination-period.aspx>.

Healthcare Data

Pifer, R., *Why regulators didn't challenge Amazon-One Medical deal, despite data concerns*, March 1, 2023, HealthcareDive.

<https://www.healthcaredive.com/news/why-regulators-didnt-challenge-amazon-one-medical-deal-data/643316/>.

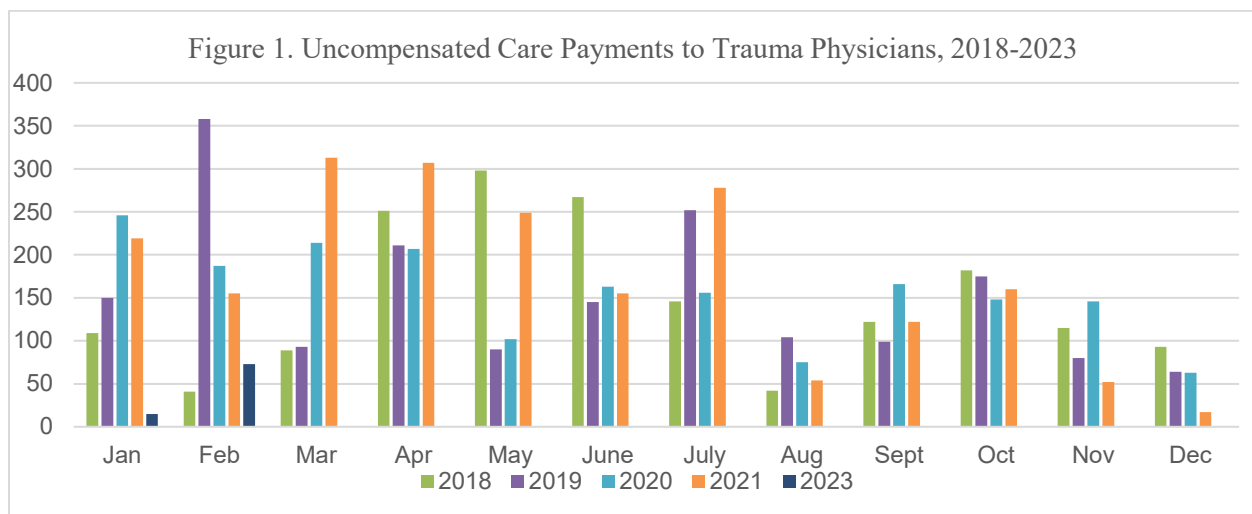
Hinkle, Jennifer, *Across Healthcare, Companies Are Profiting From Data. When Will Providers and Patients Get Their Share of the Winnings?* March 1, 2023, MedCity News.

<https://medcitynews.com/2023/03/big-data-in-healthcare/>

Maryland Trauma Physician Services Fund

Uncompensated Care Processing

Trustmark Health Benefits, the third-party administrator (TPA) for the Trauma Fund, processed \$73,284.48 uncompensated care claims through February 2023.



MHCC Website: The MHCC website (<https://MHCC.maryland.gov>) had 4,255 users in the month of February 2023.

Wear The Cost

In February 2023, 1,114 users visited the site.

Maryland Quality Reporting

The Maryland Quality Reporting had 2,806 users, 3,484 sessions and 4,677 pageviews in February. The average session duration was 1 minute and 10 seconds. Website activity remained stable for nearly all metrics.

The site received the most website referrals from MHCC’s homepage (61.1%). The website also had referrals from Maryland 211, Maryland Attorney General, Maryland State Archives, Consumer Health Rankings, A Place for Mom, and St. Josephs.

Facebook continues to be the primary social media referral source, accounting for 100% of all social referrals.

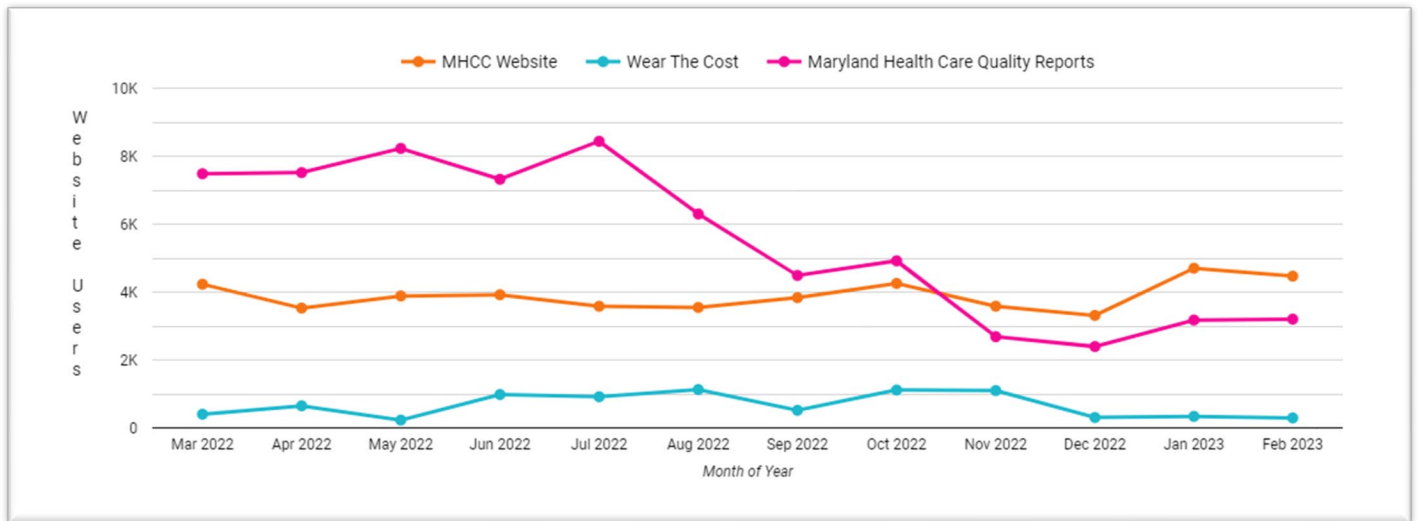


Figure 2 shows the number of website users over a 12-month period for each of the three websites maintained by Commission staff. Specific information about each website is listed above.

CENTER FOR ANALYSIS AND INFORMATION SYSTEMS

Cost and Quality Analysis – Shankar Mesta

MCDB Data Submission Status, Payor Compliance, and Technical Support

At the end of February 2023, 31 (91%) payors submitted clean Q4 2022 data through the Onpoint portal.

Thirty-one (91%) reporting entities submitted clean Q4 2022 data that have passed all quality checks. Three (9%) of the Q4 2022 payor data submissions are under review by Onpoint support staff due to issues in the initial files submitted. MHCC and Onpoint staff sent out reminders to these three payors to submit clean data to avoid unnecessary penalties due to late submission.

All eligible reporting entities have registered through the Onpoint portal to submit 2023 data per the latest data submission manual guidelines.

CHIT Adhoc Data Request

CAIS staff created an urgent care center distribution analysis for the Center for Health Information Technology and Innovative Care Delivery (CHIT) staff. The distribution analysis showed the total allowed amount for an individual urgent care center established in Maryland from 2021 to 2022. The CHIT staff wanted to conduct an environmental scan of urgent care centers who have submitted claims to APCD.

CENTER FOR HEALTH CARE FACILITIES PLANNING AND DEVELOPMENT

Acute Care Policy and Planning – Eileen Fleck

Certificates of Ongoing Performance for Percutaneous Coronary Intervention

Staff is completing its review of compliance with conditions on the Certificates of Ongoing Performance for Meritus Medical Center, University of Maryland (UM) Medical Center, UM Capital Region Medical Center, UPMC Western Maryland, and Adventist HealthCare White Oak Medical Center. Staff plans to bring its recommendations on recertification of these programs to the Commission in April or May 2023.

Long-Term Care Policy and Planning – Linda Cole

Prevalence of Palliative Care in Maryland Survey

Under contract with SEA Healthcare and with Tenacity as a subcontractor, a palliative care survey designed to identify gaps in the provision of palliative care services was developed, as required under HB 378. Beta testing took place in February at the four health care settings selected: hospitals; nursing homes; home health agencies; and hospices. The survey went live on February 24, 2023.

NASHP Grant Application

In coordination with members of the Palliative Care Services Workgroup, the Commission and the Maryland Medicaid program have applied for a grant from the National Academy for State Health Policy. This grant would assist five selected states to participate in the State Policy Institute to Improve Care for People with Serious Illness by expanding the provision of palliative care services. Grant applications were submitted in February and awards will be announced by March 7, 2023.

FY 2022 Hospice Survey

The FY 2022 Maryland Hospice Survey was completed for implementation in March.

Certificate of Need (“CON”) – Wynee Hawk

CON Letters of Intent

Luminis Health Doctors Community Medical Center – (Prince George’s County)

Introduction of inpatient obstetric and perinatal services. An 18-bed post-partum unit is proposed. The project will involve construction of a building addition and renovation of existing space.

First Use Approvals

DWI Services, Inc. d/b/a Avenues Recovery Center of Maryland – (Calvert County) – Docket No. 22-04-2444

Establish a new 20 bed Track One alcoholism and drug abuse intermediate care facility (ICF) for adults providing medically monitored intensive inpatient services, including withdrawal management. The proposed ICF will operate on the second floor of an existing treatment center for alcoholism and drug abuse treatment services located at 125 Fairground Road in Prince Frederick.

Project Cost: \$55,000

Determinations of Coverage

- **Ambulatory Surgery Centers (ASCs)**

Baltimore Surgery Center, LLC – (Baltimore City)

Change in ownership interest and practitioners of an existing ASC.

Surgcenter at National Harbor, LLC d/b/a Harborside Surgery Center – (Prince George’s)

Establish an ASC with two sterile operating rooms and three non-sterile procedure rooms to be located at 251 National Harbor Boulevard, Suite 200, in Oxon Hill

Metropolitan Access Center – (Prince George’s)

Establish an ASC with two sterile operating rooms and two non-sterile procedure rooms to be located at 4155 Bladensburg Road, in Comar Manor.

Windsor Mill Surgery Center – (Baltimore County)

Establish an ASC with one sterile operating room and two non-sterile procedure rooms to be located at 2373 North Rolling Road, in Windsor Mill.

• **Acquisition/Change of Ownership**

UnitedHealth Group, Inc. and LHC Group, Inc.

Acquisition by UnitedHealth Group, Inc. of seven home health agencies owned by LHC Group, Inc. (LHC) and the University of Maryland Medical System (UMMS) through a stock transfer. The transaction will not change the operating entity. The home health agencies are:

Agency License	Agency d/b/a Name	Current Ownership
HH7123	HomeCall	LHC (90%) and UMMS (10%)
HH7115	HomeCall Westminster	LHC (100%)
HH7040	HomeCall Frederick	LHC (100%)
HH7008	VNA Maryland	LHC (90%) and UMMS (10%)
HH7066	HomeCall Easton	LHC (100%)
HH7142	VNA Maryland	LHC (70%) and UMMS (30%)
HH7139	VNA Maryland	LHC (70%) and UMMS (30%)

• **Licensure**

○ **Delicensure of Bed Capacity of a Health Care Facility**

University of Maryland Capital Surgery Center – (Prince George’s County)

Extension of the temporary delicensure of the ASC for an additional year until February 15, 2024

Shoemaker Center – (Carroll County)

Temporary delicensure of 22 ICF beds

Pending Notices of Acquisition/Change of Ownership for Comprehensive Care Facilities (Nursing Homes)

No new pending notices at this time.

CENTER FOR HEALTH INFORMATION & INNOVATIVE CARE DELIVERY

Health Information Technology Division – Nikki Majewski, Division Chief

Interstate Telehealth Expansion Study

The Interstate Telehealth Workgroup (workgroup) convened to deliberate on barriers and potential solutions to advancing interstate telehealth. The Health and Government Operations (HGO) Committee requested the study after House Bill 670, *Maryland Health Care Commission – Study on Expansion of Interstate Telehealth*, was withdrawn during the 2022 legislative session. Westat was competitively selected in June of 2022 to complete the study. A final report with recommendations on ways to advance interstate telehealth is due to the HGO by December 1, 2023, and will inform future legislation.

Noncontrolled Prescription Drugs Reporting

The Noncontrolled Prescription Drugs (non-CDS) Workgroup (workgroup) identified technical specifications as it relates to required data fields that a vendor should minimally support for the collection of non-CDS dispense information. The technical specifications will guide CRISP in selecting a vendor to collect non-CDS dispense information in alignment with Chapter 296/House Bill 1127 (2022), *Public Health – State Designated Exchange – Health Data Utility*.

Health Data Utility (HDU)

The draft *Health Data Utility Framework, A Guide to Implementation* (framework) developed in collaboration with Civitas Networks for Health (Civitas) was finalized. Civitas was competitively awarded a contract in July of 2022 to develop the framework. The framework incorporates input from a Civitas convened National HDU Advisory Council and serves as a guide for Maryland and other states implementing an HDU. HDUs combine, enhance, and exchange electronic health data for treatment, care coordination, quality improvement, and public and community health purposes. The framework is targeted for release in March.

Health Information Technology (Health IT) Spotlights

A spotlight was drafted on Federally Qualified Health Centers' (FQHCs) use of health IT with a focus on social determinants of health (SDoH). The spotlight overviews findings from an environmental scan of FQHCs representing approximately 95 percent of FQHCs in Maryland. Development is progressing on hospital and nursing home health IT spotlights using data collected in 2022 from the annual Hospital Health IT Survey and Nursing Home Health IT Questionnaire.

Hospital Health IT Survey

A draft 2022 hospital health IT survey (survey) was vetted with stakeholders. The survey includes questions related to electronic health records (EHRs), health information exchange (HIE), telehealth, and cybersecurity. Questions about electronic SDoH capture and exchange, advance directives, and patient generated health data are incorporated in the survey. The survey is targeted for release to hospitals in April.

HIE Privacy and Security Regulations

Drafting of amendments to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*, in collaboration with the Assistant Attorney General is advancing. The amendments align with legislation passed by the Maryland General Assembly in 2021 and 2022 and are expected to be completed in March. Post & Schell, P.C. (contractor) has completed their review of the draft modifications, which modernize the regulations and align them with the *21st Century Cures Act: Interoperability, Information Blocking*, and the Office of the National Coordinator for Health Information Technology's, *Enhanced Oversight and Accountability Final Rule*. The draft amendments to the regulations are targeted for vetting with stakeholders in April.

Electronic Data Interchange (EDI) Progress Report

The payer reporting tool for the 2022 EDI Progress Report was finalized. Payers with annual premiums of \$1 million or more are required by COMAR 10.25.09, *Requirements for Payers to Designate Electronic Health Networks*, to annually report census level data on electronic health care transactions by June 30th. The tool will be distributed to 32 payers in March.

Innovative Care Delivery Division – Melanie Cavaliere, Division Chief

Primary Care Workgroup

The Primary Care Workgroup (workgroup) subgroup convened to discuss a potential construct for measuring primary care progress using four primary care pillars: First Contact, Comprehensiveness, Coordination, and Continuity as a framework. Chapter 667/Senate Bill 734 (2022) *Maryland Health Care Commission – Primary Care Report and Workgroup* requires MHCC to convene a workgroup and annually report on ways to improve quality and access to primary care services. The law requires the workgroup to discuss increasing health care equity, and ways to avoid increasing costs to patients and the health care system. The workgroup is scheduled to convene in March.

Practice Transformation Grant Activities

MedChi Care Transformation Organization (CTO) is advancing practice assessments, transformation training, and patient and family engagement redesign activities for about 28 practices in the *Advancing Practice Transformation in Ambulatory Practices* (APT) program. MedChi CTO was awarded an APT grant in 2021 and 2022 to support up to 75 primary care and specialty practices to complete practice transformation activities to prepare for participation in advanced care delivery models. The grantee in collaboration with staff is conducting baseline assessments for approximately 19 practices in the 2022 cohort.

Practice Health Equity Symposium

Promotional activities continue for a Practice Health Equity Symposium (symposium) scheduled to occur on March 10th. The symposium will feature presentations from several clinicians focused on select health equity challenges and the identification of social resources for patients, patterns of need in the community, and potential community-based organizations for practice referrals. Staff is working with MedChi, The Maryland State Medical Society to secure continuing medical education (CME) credits for the event.

Learning Network

Planning activities are underway for a podiatric webinar on optimizing data available through CRISP. The webinar will provide best practice guidance for accessing and utilizing the data to improve care delivery and chronic care management. An application for CME credits is in development, which will be submitted to the Maryland Board of Podiatric Medical Examiners for consideration. The webinar is targeted to occur in April.

Management Services Organizations (MSOs)

Updating of the MSO State Designation Application (application) is underway. The revised application will include criteria for select telehealth practice support and cybersecurity preparedness training. State Designated MSOs offer health IT services to practices related to EHRs, HIE, and telehealth and meet certain standards around privacy and security.

Electronic Health Networks (EHNs)

Staff completed a review of 17 EHNs certified between September 2021 and October 2022. Findings inform staff process improvements for the EHN program. COMAR 10.25.17, *Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses*, requires payors operating in the State to only accept transactions from MHCC certified EHNs. To receive MHCC certification, EHNs must be accredited or certified by a nationally recognized organization where standards related to privacy and confidentiality, business practices, physical and human resources, technical performance, and security are evaluated. Approximately 30 MHCC certified EHNs operate in Maryland.

CENTER FOR QUALITY MEASUREMENT AND REPORTING

The Maryland Quality Reporting (MQR) website

MQR Website Updates

Staff continue to work with Advanta Government Services (AGS), the website contractor, to update the newly redesigned website. The most recent refresh includes updates to hospitals, nursing homes and home health agencies using the January 2023 CMS Care Compare data. Additional enhancements and updated features are underway and routine updates and maintenance are ongoing. Staff continues to respond to consumer inquiries received via the quality reports email.

MQR Website Traffic

Staff monitors traffic to the consumer site using Google Analytics software. Website traffic was slightly higher in February (2,806 users) compared to January (2,760 users). The most frequently viewed topics on the MQR site include assisted living, nursing homes, and hospital price transparency. Traffic to the site is presented graphically under the Executive Direction section of this update.

MQR Website Promotion

There were approximately 70 social media posts in February. Topics included National Wise Health Care Consumer Month, American Heart Health Month, Black History Month, and general promotional posts for the MQR website. These topics generally coincide with the U.S. Department of Health and Human Services National Health Observances or other important health related events and are designed to link readers back to the MQR website. Staff also promote the MQR website using additional social media platforms such as LinkedIn and NextDoor.

Hospital Quality Initiatives – Courtney Carta

Specialized Cardiac Services Data

All Maryland hospitals that provide PCI services are required to participate in the ACC NCDR CathPCI data registries and report quarterly data and detailed reports to the Commission in accordance with established timelines. The first quarterly cardiac data coordinators meeting of 2023 occurred on February 14, 2023. Discussion points included data registry updates, MIEMSS updates, a case study, and a question-and-answer session. The next meeting is scheduled for May 9, 2023.

Long Term Care and Health Plan Quality Initiatives—Stacy Howes

Nursing Home Family Experience of Care Survey

Data collection for the 2022 survey is complete as of February 24, and the contractor has begun data analysis. The final response rate was 31% which is slightly lower than last year's response rate of 32%. Several new initiatives were piloted this year to increase the response rate. All respondents received a \$5 gift card for their participation, participants were emailed a link to the survey if we had an email for them, and email reminders were sent.

This year is the last year of the contractor's (Market Decisions) contract, and an RFP was released requesting proposals. Staff received proposals and plan to choose a new contractor within the next few weeks.

Health Care Worker Influenza Vaccination Survey (Nursing Homes, Assisted Living, Home Health, and Hospice)

Long term care facilities received a reminder message reviewing the requirements of the survey. Data collection for the 2022-2023 flu season is on-going for all long-term care facilities. Staff has begun formatting the survey for the April 3 (hospice and home health) and the April 15 (nursing home and assisted living) release.

Assisted Living Quality Analysis SB531 Workgroup

SB531 requires the MHCC to conduct an analysis of the quality of care in assisted living (AL) facilities with fewer than 10 beds. A survey was emailed to all assisted living facilities to ask them about what they see as barriers to providing quality care. Staff received 232 responses, and the survey revealed that providers are primarily concerned with not having enough money, not having enough qualified staff, and lacking training in how to navigate the regulatory system. The 4th workgroup meeting will be held on March 27.

Nursing Home and Sub Acute Center Utilization Tables

Nursing home utilization tables are constructed annually using the minimum data set (MDS) data. The tables display information about nursing home use rates by patient characteristics (gender, age and race/ethnicity), facility characteristics (bed size, for profit/non-profit) and jurisdiction. All tables have been constructed and have been posted to the MHCC main site and the Quality Reporting site.

Health Plan Quality Initiatives

Data collection for the 2022 measurement year is ongoing.

Outpatient Quality Initiative—Mariama Simmons

Outpatient Quality Initiative

Staff continues to QC, format and prepare the 2021 freestanding ambulatory surgery facility survey results for public reporting.

Health Equity Initiative

Staff is collecting program website information to support the new interactive inventory of MDH services available to address health disparities across the state.