

**MARYLAND HEALTH CARE COMMISSION**

***UPDATE OF ACTIVITIES***

**May 2023**

***EXECUTIVE DIRECTION***

***Government Relations and Special Project – Tracey DeShields***

**State Policy Update**

The legislative session ended, Monday April 10 at 11:59 PM. We have reviewed the bills that have specific interim work for MHCC to do. The interim work has been compiled in a spreadsheet and reviewed by the Executive Director and Senior Staff. We are working on plans for advancing the work MHCC must do over the interim. Below is a list of the interim responsibilities we have to tackle:

**Budget Actions:**

- Restricts \$100,000 in the 2024 appropriation, contingent on the enactment of SB 786 or HB 812, until MHCC submits a letter confirming the submission of regulations related to health information exchanges and electronic health records within 30 days of the submission of regulations.
- Requires MHCC to submit a report on the criteria for allocating \$9,500,000 in trauma facility funding 45 days prior to the transfer of funds from the DPA to MHCC for allocation to trauma centers.

**Mandate Studies**

- [SB0075](#) - Insurance and Maryland Medical Assistance Program – Treatment of Alopecia Areata – Coverage Requirements (Bill Failed) - *Study report due December 2023.*
- [SB0108](#) - HI – Annual Behavioral Health Wellness Visits – Coverage and Reimbursement (Bill Failed) - *Study report due December 2023.*
- [SB0184/HB0376](#) - HI - Diagnostic and Supplemental Exams and Biopsies for Breast Cancer - Cost-Sharing - *MHCC to study and report on the financial impact of eliminating cost-sharing for diagnostic image-guided biopsies for breast cancer. Report due on or before October 1, 2023.*
- [HB1217/SB0805](#)-Maryland Medical Assistance Program and Health Insurance - Required Coverage for Biomarker Testing - *Report on the impact of providing biomarker testing by December 1, 2025.*

**Health Care Workforce**

- [SB0283/HB0418](#) - Mental Health - Workforce Development - Fund Established - *Requires MHCC to conduct a comprehensive behavioral health workforce needs assessment in coordination with the BHA, the Maryland Higher Education Commission, the Maryland Department of Labor, the Career and Technical Education Committee, and other interested stakeholders. Needs Assessment due on or before October 15, 2024.*

### **Trauma Funding**

- ❑ [SB0493/HB0675](#) - Commission to Study Trauma Center Funding in Maryland - *MIEMSS and MHCC shall jointly chair and staff commission. Study the adequacy of trauma center funding. On or before December 1, 2023, the Commission shall report its findings and recommendations to the Governor and General Assembly.*

### **Nursing Homes**

- ❑ [SB0509/HB0702](#) - HCF - Nursing Homes - Acquisitions and Licensure - *MHCC in consultation with certain stakeholders, to study and make recommendations regarding the expansion of the certificate of need program over acquisitions of nursing homes. Submit a report with recommendations from stakeholders to the General Assembly on or before December 1, 2023.*

### **Electronic Health Records and Information Exchange**

- ❑ [SB0648](#) - EHNs and EMRs - Nursing Homes - Release of Records - *Review legislation in relation to and make sure consistent with HB 1022 (passed in 2021) in regulation.*

### **Protected Health Information**

- ❑ [SB0786/HB0812](#) - Health - Reproductive Health Services - Protected Information and Insurance Requirements - *MHCC must (1) adopt emergency regulations within nine months of the bill's effective date to restrict data of patients related to legally protected health care and (2) submit quarterly reports on the bill's implementation in fiscal 2024 and 2025. Regulations must be developed by December 2023.*

### **Dental Health Services**

- ❑ [HB1146](#) - MDH and MHCC - Dental Services - Survey and Regional Needs Assessment - *By December 1, 2023, MDH and MHCC, jointly and in consultation with MHA, must submit a report to specified committees of the General Assembly that includes the results of the survey and the regional needs assessment, as well as the regional plans.*

### **Telehealth**

- ❑ [SB0534](#) - Preserve Telehealth Access Act of 2023 - *MHCC must study and make recommendations regarding the delivery of health care services through telehealth, as specified, and report to the General Assembly by December 1, 2024.*
- ❑ [HB1148/SB0582](#) - Behavioral Health Care - Treatment and Access (Behavioral Health Model for Maryland) - *Requires the MHCC to study and make recommendations regarding the delivery of health care services through telehealth, including payment parity for the delivery of health care services through audiovisual and audio-only telehealth technologies on or before December 1, 2024.*

### **MHCC-related news coverage: selected articles and commentary**

#### **2023 Legislative Session**

Gile, D. Senator, District 33, *Maryland's 445th Legislative Session: Victories In Economic Prosperity, Health Care And More*, May 2, 2023, Severna Park Voice.

<https://www.severnaparkvoice.com/stories/marylands-445th-legislative-session-victories-in-economic-prosperity-health-care-and-more,64578?>

#### **Health Insurance**

Cass, A., "Maryland expands Medicaid coverage for gender-affirming care," May 4, 2023, Becker's Payers Issues. <https://www.beckerspayer.com/payer/maryland-expands-medicaid-coverage-for-gender-affirming-care.html>

Witte, B. “Gov. Moore Signs Abortion Protections, Medicaid Expansion for Transgender People,” May 4, 2023, NBC News 4.  
<https://www.nbcwashington.com/news/local/gov-moore-signs-abortion-protections-medicaid-expansion-for-transgender-people/3341150/>

**Behavioral Health**

Bagnall, H. Delegate, District 33C, “Making Strides With Behavioral Health,” May 2, 2023, Severna Park Voice.  
<https://www.severnaparkvoice.com/stories/making-strides-with-behavioral-health,64576?>

Press Release, “Howard County Executive Calvin Ball Announces \$2.5 million to Expand Behavioral Health Services,” May 2, 2023, Howard County Office of County Executive.  
<https://www.howardcountymd.gov/News050223a>

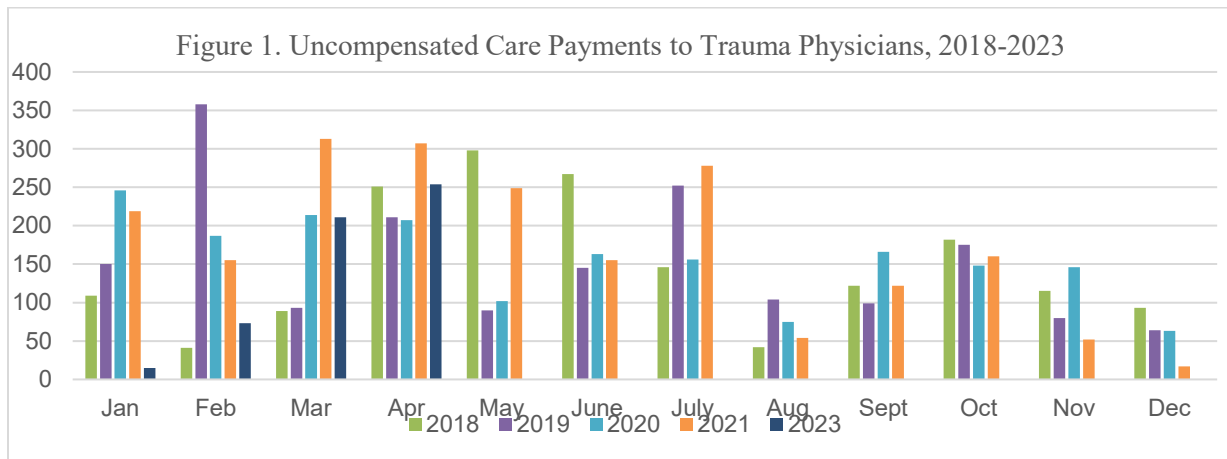
**Health Care Facilities**

Sanchez, V., “Aging Well: How much does assisted living cost in the DMV?,” May 3, 2023, WJLA ABC 7.  
<https://wjla.com/features/aging-well/annual-long-term-care-high-price-data-medicaid-medicare-dc-virginia-maryland-experts-plan-ahead-assisted-independent-living-home-health-aide-nursing-homes-financial-costs-dmv-limited-income-bills>

**Maryland Trauma Physician Services Fund**

**Uncompensated Care Processing**

Trustmark Health Benefits, the third-party administrator (TPA) for the Trauma Fund, processed \$254,302.14 uncompensated care claims through April 2023.



**MHCC Website:** The MHCC website (<https://MHCC.maryland.gov>) had 4,153 users in the month of April 2023.

**Wear The Cost**

In April 2023, 270 users visited the site.

## Maryland Quality Reporting

The Maryland Quality Reporting website had 2,833 users, 2,613 sessions, and 5,239 pageviews in April. The average session duration was 1 minute and 34 seconds. Website activity decreased by 10% for nearly all metrics except session duration and bounce rate. This means consumers were spending more time on the website and clicking through more than one page before exiting the site.

The site received the most website referrals from MHCC's homepage (54.8%). The website also had referrals from Maryland 211, Maryland Attorney General, Maryland State Archives, A Place for Mom, and St. Josephs. Facebook remains the primary social media referral source, accounting for 100% of all social referrals.

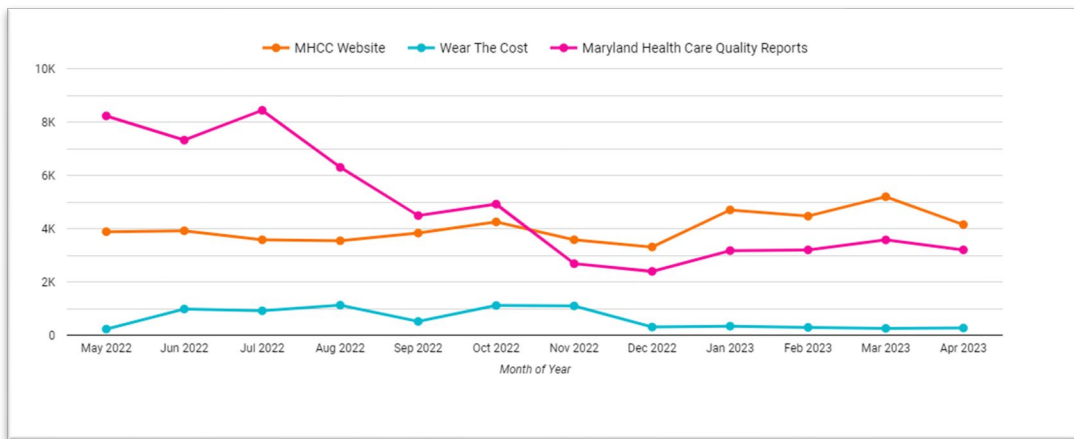


Figure 2. shows the number of website users over a 12-month period for each of the three websites maintained by Commission staff. Specific information about each website is listed above.

## ***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 May 2023, 13 (38%) payors submitted Q1 2023 data through the Onpoint portal.**

Thirteen (38%) reporting entities submitted Q1 2023 data through the portal. Two (6%) of the Q1 2023 payor data submissions have passed all tiers of quality checks. Eleven (32%) of the Q1 2023 payor data submissions are under review by Onpoint support staff due to issues in the initial submitted files. Onpoint staff sent out reminders to the remaining 23 payors to submit clean data before 05/30/2023 to avoid unnecessary penalties due to late submission.

#### **MIA Active Providers Data Request**

CAIS staff updated the [active provider directory](#) for MIA based on 2021 MCDB claims dataset. This dataset could be used as a tool to assist carriers in assessing their network adequacy planning and recruiting efforts. It would represent the providers in the Medical Care Data Base (MCDB) who have had active claims for services provided in Maryland during the 2021 calendar year. This provider dataset contains the name, address, and provider's specialty fields derived from the National Plan and Provider Enumeration System (NPPES) and the Health Care Provider Taxonomy Code set.

## *Special Projects – Janet Ennis*

### Project Management Consulting Services

The current PMO contract with Freedman Healthcare, LLC was scheduled to expire on March 31, 2023. With nominal funds remaining on that contract, staff issued a contract extension request to the Board of Public Works (BPW) requesting an additional \$160,000 for six more months. The request will be addressed at the May 17, 2023, BPW meeting. Meanwhile, staff is in the process of drafting a new multi-year Request for Proposals (RFP) to contract with a PMO to fulfill organization-wide support services related to ongoing APCD expansion and enhancements; implementing and analyzing a non-claim-based payment initiative; implementing the primary care investment initiative; and implementing reporting efforts on health care cost and utilization data, and other report writing.

### Required Health Insurance Services (Mandates): Studies

Pursuant to Insurance Article §15-1501, MHCC must assess the social, medical, and financial impact of a proposed mandated health insurance service or coverage that fails to pass during the preceding legislative session or as requested by a Legislative Committee or Legislator. This year, MHCC has been requested to conduct studies relate to the following bills:

- (1) **SB 75: Coverage Requirements for the Treatment of Alopecia Areata** for an enrollee or insured whose hair loss results from alopecia areata. This is a modification to a current mandate (§15-836) whereby coverage of up to \$350 for one hair prosthesis must be covered when prescribed by the attending oncologist for hair loss resulting from chemotherapy or radiation treatment for cancer. SB 75 also would have required coverage for alopecia areata if prescribed by the attending physician. This report is due by December 31, 2023.
- (2) **SB 108: Annual Behavioral Health Wellness Visits – Coverage and Reimbursement** provided at the same rate as an annual wellness visit for somatic health. This report is due by December 31, 2023.
- (3) **SB184/HB376 - Health Insurance – Diagnostic and Supplemental Examinations and Biopsies for Breast Cancer – Cost-Sharing:** This bill passed and becomes effective on January 1, 2024, whereby carriers may not impose any cost-sharing requirements on coverage for diagnostic breast examinations or supplemental breast examinations. Even though this bill passed, MHCC has been requested to study and report on the financial impact of eliminating health insurance cost-sharing for diagnostic image-guided biopsies for breast cancer. This MHCC study is due on or before October 1, 2023.

Like last year's process, MHCC staff is drafting numerous small procurements to contract with various actuarial consulting firms to conduct each analysis and draft the required reports.

Pursuant to Insurance Article § 15-1502, Annotated Code of Maryland, every four years, MHCC is required to conduct an analysis on each existing mandated health insurance service in Maryland, including a comparison of Maryland's mandates to those in Delaware, Pennsylvania, Virginia, and the District of Columbia. This four-year comprehensive cost and comparison report is due by January 1, 2024. MHCC staff will contract with an actuarial consulting firm to prepare this study as well.

## ***CENTER FOR HEALTH CARE FACILITIES PLANNING AND DEVELOPMENT***

### ***Acute Care Policy and Planning – Eileen Fleck***

#### **Certificates of Ongoing Performance**

At the April Commission meeting, staff presented an update on each of five hospitals that have one or more conditions on its Certificate of Ongoing Performance for percutaneous coronary intervention (PCI) services. For three of the five hospitals, which have been reporting for two full years, those hospitals were released from their condition(s).

The hospitals released from conditions on their Certificates of Ongoing Performance for PCI services are Meritus Medical Center, UPMC Western Maryland, and University of Maryland Capital Regional Medical Center. The two hospitals who were not released from continued reporting are Adventist White Oak Medical Center and Suburban Hospital, which have been reporting on compliance for only one year.

#### **Annual Hospital Inventory Survey**

Staff began internal testing of a newly developed electronic survey to replace the paper-based approach previously used. Staff expects to be able to distribute the survey in late May or early June after key information is available regarding the total number of licensed beds for each Maryland acute care general hospital in FY 2024.

### ***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, work has been completed on a palliative care survey designed to identify gaps in the provision of palliative care services as required under HB 378. Data was collected from four selected healthcare settings: hospitals; nursing homes; home health agencies; and hospices. Additional community resources were also identified. Data collection started on February 24<sup>th</sup>; the deadline for data submission was extended until March 31<sup>st</sup>. MHCC staff will meet with SEA on May 4<sup>th</sup>. SEA will be making a presentation to the Palliative Care Services Workgroup on May 23<sup>rd</sup>.

#### **Leading Age Conference Presentation:**

MHCC staff, along with Peggy Funk, Executive Director of the Hospice & Palliative Care Network of Maryland, and Dr. Marian Grant, Senior Regulatory Advisor and Consultant, will be making a presentation to the annual Leading Age Conference on May 10<sup>th</sup>. This presentation, “Expanding Access to Palliative Care in Maryland”, will discuss the work of the Palliative Care Workgroup, as well as issues and developments in the field of palliative care.

#### **FY 2022 Hospice Survey:**

The FY 2022 Maryland Hospice Survey launched on March 1, 2023. All hospice providers were notified on February 21<sup>st</sup> of the availability of the online survey and required due dates for submission of data. Part I of the Hospice Survey is due by May 1<sup>st</sup>. To date, ten surveys have been completed and accepted.

#### **NASHP Award:**

Maryland was one of six states selected for the National Academy of State Health Policy’s (NASHP) Institute to Improve Care for People with Serious Illness. NASHP will provide technical assistance to aid Maryland in implementing recommendations to expand the provision of palliative care services. A meeting between NASHP and Maryland officials is scheduled for May 9<sup>th</sup>.

### **Long-Term Care Survey:**

Data cleaning and processing for the FY 2021 Long-Term Care Survey has been completed. The public use data set files have been posted to the Commission's website at:

[https://mhcc.maryland.gov/public\\_use\\_files/index.aspx](https://mhcc.maryland.gov/public_use_files/index.aspx)

In addition, annual tables, entitled "Average Annual Occupancy Rate and Average Annual Number of Licensed Nursing Home Beds by Jurisdiction and Region: Maryland, Fiscal Years 2019-2021" and "Required Maryland Medical Assistance Participation Rates for Nursing Homes by Region and Jurisdiction: Fiscal Year 2021" have been prepared and have been submitted for publication in the May 19<sup>th</sup> issue of the Maryland Register.

Also, data from the Long-Term Care Survey has been provided for updates to the MHCC Maryland Quality Reporting website.

### **Certificate of Need ("CON") – Wynee Hawk**

#### **CON's Approved**

Chesapeake Eye Surgery Center, LLC (Anne Arundel County) - (Docket No 22-02-2461)

The addition of one sterile OR to an existing ambulatory surgery center, resulting in three sterile ORs after project completion and thereby establishing an ambulatory surgical facility (ASF). The applicant states that the project will renovate and convert an existing recovery room to an OR, as well as expand the preoperative and postoperative area.

Approved Cost: \$636,164.

#### **Project Change to Approved of Exemption**

University of Maryland Laurel Regional Hospital Conversion to Freestanding Medical Facility (Prince George's County) - (Docket No. 18-16-EX002)

An increase in total project costs of \$6,780,493 attributed to the addition of a pedestrian connector bridge, delay in delivery of materials, design errors and inflationary increases in the cost of materials and products from the original construction estimates. The total cost of the project is now \$78,360,714.

#### **CON Applications Filed**

Luminis Health Doctors Community Medical Center – (Prince George's County) -Matter No. 23-16-2466

LHDCMC proposes to (a) establish a new obstetric program; (b) construct a new, four story 167,000 square foot acute care pavilion adjacent to the existing hospital building, and (c) renovate hospital infrastructure and surgical services facilities to improve hospital function.

Proposed Cost: \$285,954,229

#### **Exemption from CON**

CommuniCare Health Services – (Prince George's Co.) – Matter No. 23-16-EX015

CommuniCare Health Services ("CHS"), affiliated with both Clinton Nursing, LLC d/b/a Clinton Health Care Center ("Clinton," a 267 bed nursing home) and Livingston Leasing Co., LLC d/b/a Fort Washington Health Center ("Fort Washington," a 150 bed nursing home) intends to internally relocate 46 beds from Clinton (reducing this nursing home to 184 beds after the relocation of beds to Forestville) to Fort Washington, growing Fort Washington to 196-beds. This project will enable Fort Washington to eliminate all quad rooms, making all rooms single or double-bedded rooms.

Proposed Cost: \$21,748,758

#### **Project Change to Approved Certificate of Need**

University of Maryland Medical Center – (Baltimore City) – Docket No. 19-24-2438

A project change to increase the capital costs associated with the project. UMMC seeks a modification of project costs to increase its capital costs by \$72,453,180, bringing the total capital costs to \$266,321,180. UMMC also increases its financing and other cash requirements by \$2,369,000 due to an anticipated increase in bond placement fees and other assistance over the budgeted amount. Together with the capital cost increases, UMMC's projected

increase in total use of funds is \$74,822,180, for a total project cost of \$269,190,180. UMMC also requests a project change to make changes in the physical plant design, and to remove one of the Conditions on the approved project based on the changes to the physical plant design.

### **Determinations of Coverage**

- **Ambulatory Surgery Centers**

#### Timonium Endoscopy Center, LLC

Establish an ambulatory surgery center (ASC) with 2 non-sterile procedure room to be located at 1212 York Road, Suite B101

Ownership Interest:

Timonium Endoscopy Center, LLC is 100% owned by Cumbria Capital MSO, LLC.

Cumbria Capital MSO, LLC is 99.5% owned by Cumbria Capital Holdings, LLC.

Cumbria Capital Holdings, LLC is 100% owned by Cumbria Capital LLC.

#### Baltimore Surgery Center, LLC – (Baltimore City)

The addition of two new operating rooms to the established pediatric dental “Ambulatory Surgery Center-1” (ASC-1), located at 3421 Benson Avenue, Baltimore as defined in COMAR 10.24.11.07B(2). There will be a total of three operating rooms at this pediatric dental surgical facility. The center will continue to only provide dental procedures performed under general anesthesia exclusively, and no other types of procedures will be performed in this facility. As a result, Baltimore Surgery Center, LLC does not require a Certificate of Need in accordance with COMAR 10.24.01.05A(9) and Health-General § 19-114(d)(2)(vi).

### **Acquisition/Change of Ownership**

Jerome Rhodes is the current sole owner and Chief Executive Officer of ASC Development Company (ASCDC), and effective December 31, 2022, ownership of ASCDC transferred to Yeshvant A. Navalgund, M.D., and Dr. Navalgund will become the Chief Executive Officer of ASCDC. ASCDC will remain the sole owner of the following ASCs.

ASC Development Company, LLC – (Harford Co) – 510 Upper Chesapeake Drive, Suite 415

ASC Development Company, LLC – (Charles Co) – 5010 Regency Place, Suite 202-A

ASC Development Company, LLC – (Montgomery Co) – 8455 Colesville Road

ASC Development Company, LLC – (Montgomery Co) – 11921 Rockville Pike Suite 505

ASC Development Company, LLC – (Baltimore Co) – 1838 Green Tree Road, Suite 150

ASC Development Company, LLC – (Prince George’s Co) – 6710 Oxon Hill Road, Suite 550B

ASC Development Company, LLC – (Washington Co) – 1150 Professional Court, Suite P

ASC Development Company, LLC – (Anne Arundel Co) – 1600 Crain Highway, Suite 301

ASC Development Company, LLC – (Montgomery Co) – 19735 Germantown Road, Suite 360

ASC Development Company, LLC – (Frederick Co) – 75 Thomas Johnson Drive, Suite C

ASC Development Company, LLC – (Howard Co) – 7120 Minstrel Way, Suite 106

ASC Development Company, LLC – (Prince George’s Co) – 16900 Science Drive, Suite 100

ASC Development Company, LLC – (Baltimore Co) – 6820 Hospital Drive, Suite 302

Kirurgs, LLC d/b/a Surgeon’s Surgical Center – (Allegany Co) – 940 Seton Drive

- **Waiver Beds**

#### Lorien Harford, Inc. d/b/a Lorien-Bel Air

Addition of 3 CCF waiver beds for a total of 120 beds at the facility

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

### **Four Autumn Lake Healthcare Transactions**

#### 1. Autumn Lake Healthcare at Silver Spring (Montgomery County)

Transaction: Acquisition of assets

*CURRENT*

Owner of the real property: HCP Maryland Properties LLC

Owner of bed rights: Manor Care of Silver Spring, MD LLC

Operator: Manor Care Silver Spring MD LLC, dba Promedica Skilled Nursing & Rehab (Silver Spring)

*POST-TRANSACTION*

Owner of the real property: HCP Maryland Properties LLC

Owner of bed rights: HCP Maryland Properties, LLC

Operator: 2501 Musgrove Road Opco LLC, dba Autumn Lake Healthcare at Silver Spring

Purchase price: \$0

Additional information: The CCF has a bed capacity of 148 beds and is located at 2501 Musgrove Road, Silver Spring, MD 20904. The anticipated closing date of the transaction is June 1, 2023.

#### 2. Autumn Lake Healthcare at Towson (Baltimore County)

Transaction: Acquisition of assets

*CURRENT*

Owner of the real property: HCP Maryland Properties, LLC

Owner of bed rights: Manor Care - Ruxton MD, LLC

Operator: Manor Care - Ruxton MD LLC, dba Promedica Skilled Nursing & Rehab (Ruxton)

*POST-TRANSACTION*

Owner of the real property: HCP Maryland Properties, LLC

Owner of bed rights: HCP Maryland Properties, LLC

Operator: 7001 Charles Street Opco LLC, dba Autumn Lake Healthcare at Towson

Purchase price: \$0

Additional information: The CCF has a bed capacity of 179 beds and is located at 7001 Charles Street, Towson, MD 21204. The anticipated closing date of the transaction is June 1, 2023.

#### 3. Autumn Lake Healthcare at Chevy Chase (Montgomery County)

Transaction: Acquisition of assets

*CURRENT*

Owner of the real property: HCP Maryland Properties, LLC

Owner of bed rights: Manor Care of Chevy Chase MD, LLC

Operator: Manor Care of Chevy Chase MD LLC, dba Promedica Skilled Nursing & Rehab (Chevy Chase)

*POST-TRANSACTION*

Owner of the real property: HCP Maryland Properties, LLC

Owner of bed rights: HCP Maryland Properties, LLC

Operator: 8700 Jones Mill Road Opco LLC, dba Autumn Lake Healthcare at Chevy Chase

Purchase price: \$0

Additional information: The CCF has a bed capacity of 172 beds and is located at 8700 Jones Mill Road, Chevy Chase, MD 20815. The anticipated closing date of the transaction is June 1, 2023.

#### 4. Advanced Rehab at Autumn Lake Healthcare (Baltimore County)

Transaction: Acquisition of assets

*CURRENT*

Owner of the real property: FC-GEN Real Estate, LLC

Owner of bed rights: Well PM Properties, LLC

Operator: Promedica Senior Care of Brightwood MD LLC, dba Promedica Skilled Nursing & Rehab (Brightwood)

*POST-TRANSACTION*

Owner of the real property: FC-GEN Real Estate, LLC

Owner of bed rights: FC-GEN Real Estate, LLC

Operator: 515 Brightfield Road Opco LLC, dba Advanced Rehab at Autumn Lake Healthcare

Purchase price: \$0

Additional information: The CCF has a bed capacity of 110 beds and is located at 515 Brightfield Road, Lutherville, MD 21093. The anticipated closing date of the transaction is June 1, 2023.

For all four Autumn Lake Healthcare transactions, MHCC acknowledges that although these transactions have met the requirements for an acquisition, the 34 healthcare facilities in Maryland owned or operated by purchaser Aryeh Stern have an average rating of 2.0 stars (one facility was unrated) and the 12 healthcare facilities in Maryland owned or operated by purchaser Morris Meisels have an average of 2.66 stars. Composite scores below three stars are considered below average on the CMS Nursing Home Compare Five-Star Quality Rating System<sup>1</sup>. The track record of the persons acquiring these CCFs would probably fail to meet the requirements for docketing of a CON application to establish or expand a CCF under the State Health Plan Quality Rating standard [COMAR 10.24.20.05A(8)].

### Hillhaven Nursing and Rehabilitation

Transaction: Acquisition of assets

#### *CURRENT*

Owner of the real property: MH Adelphi Holdings, LLC, MH Adelphi TIC II Owner, LLC, and MH Adelphi TIC III Owner, LLC

Owner of bed rights: MH Adelphi Operating, LLC

Operator: MH Adelphi Operating, LLC

#### *POST-TRANSACTION*

Owner of the real property: Hillhaven SNF Realty, LLC

Owner of bed rights: Hillhaven SNF Operator, LLC

Operator: Hillhaven SNF Operator, LLC

Purchase price: \$26,250,000

Additional information: The 66 bed CCF is located at 3210 Powder Mill Road, Adelphi, Maryland, 20783. The purchasing entities affiliated with Sterling Care and Peace Healthcare currently have a below average 2.5 out of 5-star rating on the CMS Nursing Home Compare website for its seven Sterling Care and four Peace Health Maryland Nursing Homes.

While MHCC acknowledges that this transaction has met the requirements for an acquisition, we note that Hillhaven Nursing and Rehabilitation has not met its current Memorandum of Understanding (MOU) with Medicaid. The current MOU threshold for Prince George's County is 42%. According to the most recent Medicaid Cost Report, Hillhaven Nursing and Rehabilitation only achieved 32%. The track record of the facility would probably fail to meet the requirements of a CON application to establish or expand a CCF under the State Health Plan Medical Assistance Participation Standard [COMAR 10.24.20.05A(2)].

In addition, the seven Sterling Care and four Peace Healthcare facilities in Maryland owned or operated by Jeff Kagan, Nathan Jakobovitz, and Yoni Grunbaum have an average rating of 2.5 stars (composite scores below three stars are considered below average) on the CMS Nursing Home Compare Five-Star Quality Rating System<sup>2</sup>. The track record of the persons acquiring this CCF would probably fail to meet the requirements for docketing of a CON application to establish or expand a CCF under the State Health Plan Quality Rating standard [COMAR 10.24.20.05A(8)].

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<sup>1</sup> The rating scores were accessed on April 26, 2023, from the CMS Nursing Home Compare website. The data had been last updated on April 26, 2023.

<sup>2</sup> The rating scores were accessed on the CMS Nursing Home Compare website. The data had been last updated on April 26, 2023.

**CENTER FOR HEALTH INFORMATION TECHNOLOGY & INNOVATIVE CARE  
DELIVERY**

**Health Information Technology Division – Nikki Majewski, Division Chief**

**Interstate Telehealth Expansion Study**

Interstate Telehealth Workgroup (workgroup) participants provided feedback on select draft recommendations. The workgroup continues to guide development of the recommendations. Drafting of a final report has begun; the workgroup will be asked to review a preliminary draft and provide feedback in June. In 2022, the Health and Government Operations (HGO) Committee requested MHCC study and make recommendations on ways to expand interstate telehealth for State residents. Westat was competitively selected to support completion of the study. A final report is due to the HGO Committee by December 1, 2023.

**Noncontrolled Prescription Drugs Reporting**

A stakeholder roundtable with representatives from dispensers and pharmacy management systems was convened to discuss components of the Dispenser Data Submission Manual (manual) for reporting noncontrolled prescription drugs (non-CDS) to CRISP. The manual will provide dispensers with guidance on implementing non-CDS reporting requirements included in Chapter 296/House Bill 1127, *Public Health – State Designated Exchange – Health Data Utility* (2022).

**Health Data Utility (HDU)**

Support was provided to Civitas Networks for Health (Civitas) for a national Collaboratives in Action webinar featuring the *Health Data Utility Framework, A Guide to Implementation* (framework). Civitas was competitively selected to develop the framework to support Maryland’s implementation of an HDU operated by CRISP. The framework provides advice to guide other states on implementing an HDU model, which was highlighted during the HIE and Interoperability Forum at the HIMSS Global Health Conference & Exhibition held in Chicago last month.

**Health IT Survey**

Data collection and a review of responses to the *2023 Hospital Health Information Technology Survey* (survey) continues. The survey is administered annually and assesses use of electronic health records (EHRs), health information exchange (HIE), telehealth, social determinants of health technology, electronic advance directives, and cybersecurity controls. Findings will be used to assess hospitals use of health IT and inform strategies to advance diffusion and share best practices.

**Urgent Care Center Environmental Scan**

An urgent care center (UCC) health IT questionnaire was vetted with select stakeholders. The questionnaire will be distributed to approximately 29 UCCs that are part of a hospital or chain and represent roughly 228 sites in Maryland. The questionnaire’s focus areas include EHRs, HIEs, and telehealth and is targeted for release in May. Findings will be used to develop initiatives aimed at advancing health IT adoption in UCCs.

**Advance Directives**

A public service announcement (PSA) highlighting the value of advance care planning and encouraging completion of an advance directive was recorded by Kurt Schmoke, former mayor of Baltimore and current president of the University of Baltimore. The PSA will be shared with local radio stations. A social media campaign is underway linking to the *Advance Directives Information Sheet* (information sheet). A link to the information sheet is available on various State agency websites, including the Maryland Attorney General, Motor Vehicle Administration, and Maryland Health Benefit Exchange. A communications toolkit was released to stakeholders in advance of National Health Care Decision Day on April 16th.

### **HIE Privacy and Security Regulations**

Additional edits were made to draft amendments to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*, to support Senate Bill 786/House Bill 812, *Health – Reproductive Health Services – Protected Health Information and Insurance Requirements* that passed during the 2023 legislative session. The bill establishes requirements for HIEs and Electronic Health Networks on the disclosure of legally protected health data, including reproductive health services, medications, and supplies related to the provision of abortion care and other sensitive health services as determined by the Secretary of Health. Draft amendments are targeted for stakeholder review in June.

### **Electronic Data Interchange (EDI)**

A review of select payers 2022 EDI Progress Report was completed. A total of 32 payers with annual premiums of \$1 million or more were requested to report census level data on electronic health care transactions as required by COMAR 10.25.09, *Requirements for Payers to Designate Electronic Health Networks*. Data collection will continue through June.

### ***Innovative Care Delivery Division – Melanie Cavaliere, Division Chief***

#### **Primary Care Workgroup**

The Primary Care Workgroup (workgroup) discussed key elements for defining primary care that includes a modular definition, geographic reporting, and an expanded list of services and providers. The workgroup reviewed various national and local payer investment trends for primary care. Several approaches were discussed by the workgroup for establishing a primary care investment target. Chapter 667/Senate Bill 734 *Maryland Health Care Commission – Primary Care Report and Workgroup* (2022) requires MHCC to convene a workgroup and annually report on ways to improve quality and access to primary care services. A Primary Care Analysis and Reporting Plan, based on input from the workgroup, is due to the Governor and General Assembly by December 1, 2023.

#### **Practice Transformation Grant Activities**

Practice assessments, transformation training, and workflow redesign activities, guided by the MedChi Care Transformation Organization (CTO) are progressing for the 28 practices in the *Advancing Practice Transformation in Ambulatory Practices* (APT) program. The APT program includes about 28 practices in the 2021 cohort and 15 practices in the 2022 cohort. The MHCC competitively awarded the CTO an APT grant in June 2021 and Round 2 funding in July 2022. The APT program concludes in June 2024.

#### **Learning Events**

Staff hosted a podiatric webinar on optimizing data available through CRISP that focused on best practices for accessing and utilizing HIE data to improve care delivery and chronic care management. Attendees are eligible to receive continuing medical education credit. Planning activities are underway for a dental cybersecurity webinar in collaboration with the Maryland State Dental Association, which will provide dental practices with strategies to improve cybersecurity readiness. The webinar is targeted to occur in June.

#### **Management Services Organizations (MSOs)**

The updated MSO State Designation Application (application) was released. The revised application includes criteria related to cybersecurity preparedness training, telehealth adoption support, and implementing advanced care delivery models. State Designated MSOs offer guidance to practices on maximizing use of health IT and to implement best practices related to business operations, privacy, and security.

### **Value-Based Care Delivery - Consumer Awareness**

Development of a value-based care delivery consumer education flyer is underway. The flyer will overview value-based care delivery, highlight its benefits to patients, and provide information on changes to the way care is delivered. Value-based care promotes a patient-centered approach to care, improves quality of care, and enables providers to transform the way they deliver care by promoting collaboration across care teams. The flyer is anticipated for release in August.

## ***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 home health agency profiles, patient characteristics, and services provided for CY2020, and CMS Hospice Family Satisfaction and Quality Measures scores from the February 2023 release. Additional enhancements and updated features are underway and routine updates and maintenance are ongoing. Staff continue 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 lower in April (2,833 users) compared to March (3,174 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 80 social media posts in April. Topics included World Immunization Week, National Healthcare Decisions Day, National Minority Health Month, National Public Health Week, 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**

#### **Healthcare Associated Infections**

All Maryland acute care hospitals are required to report certain healthcare associated infections to the CDC's National Healthcare Safety Network (NHSN). MHCC publicly reports this data annually on the MHCQR consumer website. Staff are preparing for public reporting of CY2022 data which will include all required infection types: central line associated bloodstream infections (CLABSI), catheter associated urinary tract infections, Clostridium difficile (c. diff), and Methicillin-Resistant Staphylococcus Aureus (MRSA), and surgical site infections (SSI). The public reporting process will continue throughout May and the results will be posted on the MHCQR website in July.

### Leapfrog Hospital Safety Grades

The Leapfrog Group assigns letter grades (A-F) to hospitals based on performance on various patient safety measures. Grades are assigned twice annually. Maryland hospitals' performance was similar to the previous grading cycle (Fall 2022). Compared to national data, proportionally, MD has fewer A's, D's, and F's. Maryland has more B's and the proportion of C's is about the same (see table below for results). To view hospital-specific results, click [here](#).

Letter Grade	National Spring 2023	Maryland Spring 2023 n=41	Maryland Fall 2022 n=41
A	29%	9 (22%)	8 (20%)
B	26%	15 (37%)	17 (41%)
C	39%	15 (37%)	15 (37%)
D	6%	2 (5%)	1 (2%)
F	1%	0 (0%)	0 (0%)

### *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, and all nursing homes have received their individual reports. Data will be incorporated into the Maryland Quality Reporting website by June, and a presentation highlighting the results of the survey will be shared with Commissioners at the May Commission meeting.

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

Data collection for the 2022-2023 flu season is complete for all long-term care facilities. The hospice and home health survey links were released for completion the week of April 3. Completion of the survey is due by May 12. The nursing home and assisted living survey links were released the week of April 23 and completed surveys are due June 2. This year the nursing home and assisted living survey was modified to align with new NHSN vaccination reporting requirements.

#### Assisted Living Quality Analysis SB531 Workgroup

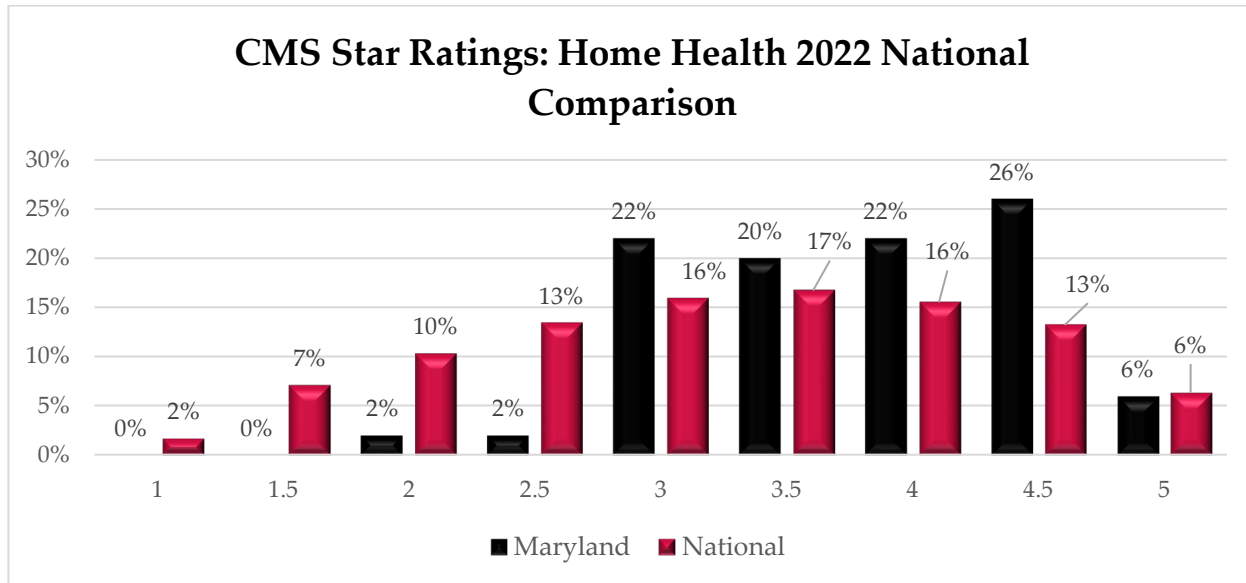
SB531 requires the MHCC to conduct an analysis of the quality of care in assisted living (AL) facilities with fewer than 10 beds. The 4<sup>th</sup> workgroup meeting was held on March 27. The meeting agenda included follow-up presentations from OHCQ and Medicaid as well as preliminary discussion of workgroup recommendations for the report to the legislature. Staff are preparing for the final workgroup meeting by compiling a list of recommendations for the workgroup to consider.

#### Maryland CMS Stars Rankings for Home Health and Nursing Homes

- Maryland was ranked 2<sup>nd</sup> among the 6 states in the Mid-Atlantic for percent of 5-star home health agencies (see table below) and 19<sup>th</sup> in the United States (out of 55 states and territories).

Rank	State	Percent of 5 Star Facilities
1	District of Columbia	11.1%
2	<b>Maryland</b>	<b>6.0%</b>
3	West Virginia	5.9%
4	Virginia	2.6%
5	Pennsylvania	2.3%
6	Delaware	0%

Proportionally, Maryland had more 3-, 3.5-, 4-, and 4.5-star agencies than the nation but fewer 5-star agencies. Maryland had fewer 1-, 1.5-, 2-, and 2.5-star agencies than the nation (see chart below).

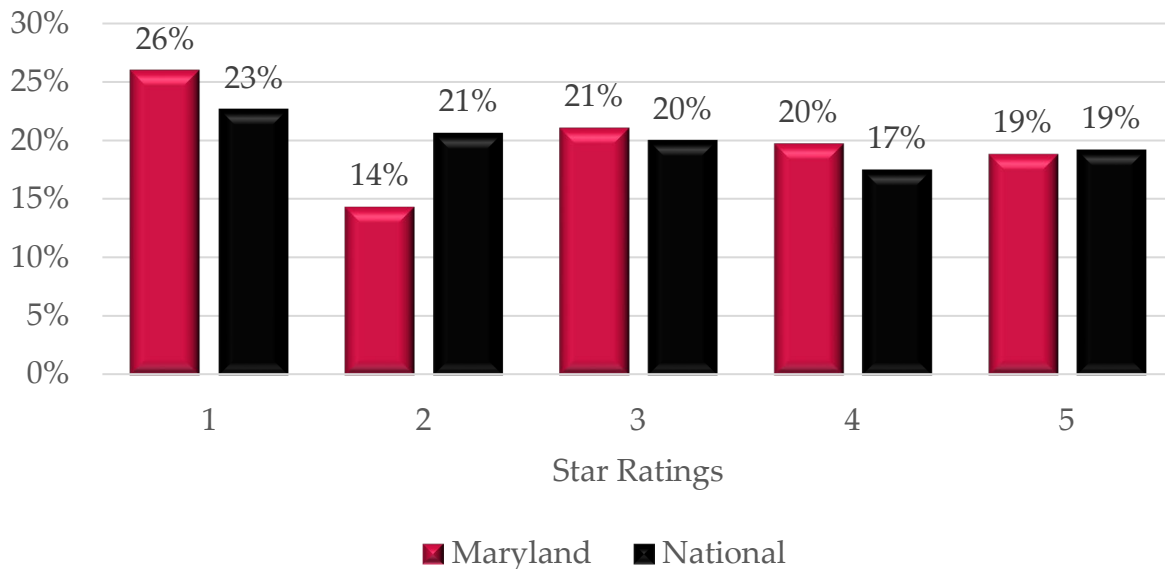


Maryland was ranked 5<sup>th</sup> among the 6 states in the Mid-Atlantic for percent of 5-star nursing homes (see table below). Last year, Maryland ranked 3<sup>rd</sup>. All 6 states and territories have fewer 5-star facilities compared to last year. Also, Maryland ranked 34<sup>th</sup> in the United States (among 53 states and territories).

Rank	State	Percent of 5 Star Facilities
1	District of Columbia	41%
2	Delaware	29%
3	Pennsylvania	21%
4	Virginia	20%
5	<b>Maryland</b>	<b>19%</b>
6	West Virginia	12%

Proportionally, Maryland had approximately the same or more 5-star and 4-star facilities compared to the nation. Maryland has about the same number of 3-star facilities, fewer 2-star facilities, and more 1-star facilities compared to the nation, proportionally. Maryland has fewer 5-star and 4-star and more 1-star facilities compared to last year (see chart below).

## CMS Stars: Maryland Compared to National, Percent 1-5 Star Facilities, February 2023



### **Health Plan Quality Initiatives**

Data collection for the 2022 measurement year is ongoing. Behavioral Health Assessments were due to the contractor by April 14, and the contractor has begun data analysis.

### **Outpatient Quality Initiative—Mariama Simmons**

#### **Outpatient Quality Initiative**

Staff is finalizing the final steps of reviewing, cleaning, and formatting the results of the Commission’s 2021 annual freestanding ambulatory surgical facility (FASF) survey. The survey results will be available on the Commission’s public use data website. Collection for the 2022 data will begin later this summer as the survey is administered one year after the current calendar year to allow for facilities to close out their financial data. Staff is also working with the Center’s website vendor to update the Quality Reporting website with the 2022 survey results.

#### **Health Equity Initiative**

Staff completed the Maryland Department of Health (MDH) health equity program inventory which was established under the 2021 legislative requirements of House Bill 309/Senate Bill 565. The inventory has been added to the [Quality Reporting Website](#) and allows users to search by county or medical condition, for MDH programs that serve Maryland’s vulnerable populations.