

MARYLAND HEALTH CARE COMMISSION

UPDATE OF ACTIVITIES

February 2022

EXECUTIVE DIRECTION

Government Relations and Special Project – Tracey DeShields

State Policy Update

The 2022 legislative session began on January 12, 2022. Senate briefings and hearings are in-person for all committees and subcommittees, but the House has maintained virtual meetings for all committees and subcommittees.

On February 16, Ben Steffen provided testimony to the Senate Finance Committee in support of SB 591 Maryland Health Care Commission – Patient Safety Center – Designation and Fund.

On February 23, Mr. Steffen also provided testimony in support of SB 253 Maryland Health Care Commission – User Fee Assessments.

House Bill 213 Health Information Exchanges – Definition and Privacy Regulations was passed with amendments on February 23.

MHCC will continue to track priority bills. March 22 is the opposite house cross-over date.

MHCC-related news coverage: selected articles and commentary

Legislation

DePuyt, B. “Patients and Doctors love telehealth, but law needs updating, lawmaker says.” Maryland Matters. February 11, 2022. Available from: <https://www.marylandmatters.org/2022/02/11/patients-and-doctors-love-telehealth-but-law-needs-updating-lawmaker-says/>

Pasia, N. “MDH health commissions’ budget sees nearly \$70 million increase in FY 2023.” State of Reform. February 17, 2022. Available from: <https://stateofreform.com/news/maryland/2022/02/mdh-health-commissions-budget-sees-nearly-70-million-increase-in-fy-2023/>

Telehealth

Pasia, N. “The push for permanent telehealth expansion in Maryland.” State of Reform. February 1, 2022. Available from: <https://stateofreform.com/news/maryland/2022/02/the-push-for-permanent-telehealth-expansion-in-maryland/>

Health Facilities

Bologna, G. “MedStar Health launches new patient portal built by a Baltimore startup.” Baltimore Business Journal. February 4, 2022. Available from: <https://www.bizjournals.com/baltimore/inno/stories/news/2022/02/04/bwell-creates-new-platform-for-medstar-health.html>

DePuyt, B. “Amid ‘staggering’ nursing shortage, Md. lawmakers target price gouging concerns.” WTOP News. February 2, 2022. Available from: <https://wtop.com/maryland/2022/02/amid-staggering-nursing-shortage-md-lawmakers-target-price-gouging-concerns/>

Lewis, N. “Frederick Health announces new prostate cancer clinic.” WDVM. February 1, 2022. Available from: <https://www.localdvm.com/news/maryland/frederick-health-announces-new-prostate-cancer-clinic/>

Health Disparities and Health Equity

Lopez, A. “\$7M going to vulnerable populations, reducing health disparities in Maryland.” ABC47. February 14, 2022. Available from: <https://www.wmdt.com/2022/02/7m-going-to-vulnerable-populations-reducing-health-disparities-in-maryland/>

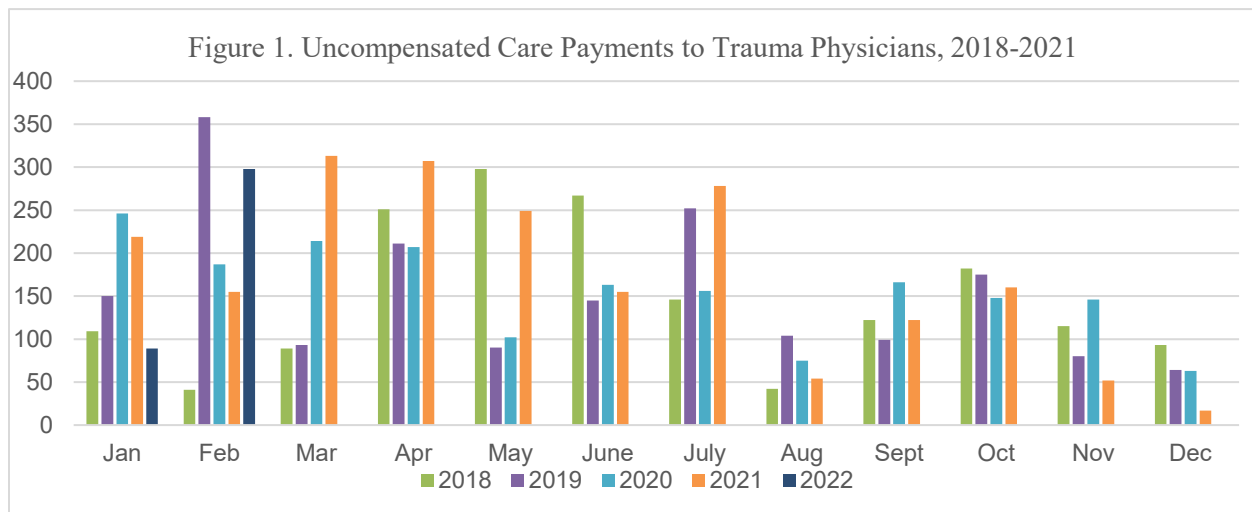
Maryland Trauma Physician Services Fund

Uncompensated Care Processing

Trustmark Health Benefits, the third-party administrator (TPA) for the Trauma Fund, processed \$298,053.71 uncompensated care claims through February 2022.

On-Call Reimbursement

Staff received on-call reimbursement applications from 11 of the 12 eligible trauma centers. This period is inclusive of July through December 2021. The applications received have been processed and submitted for reimbursement. Current reimbursements total \$3,940,598 and it is anticipated that the last center will submit reimbursement for approximately \$450K. This would bring total on-call reimbursement for FY 2022 to approximately \$9.3 million. This total is also inclusive of the annual \$590K stipend to Children's National Hospital.



MHCC Website: The MHCC website (<https://MHCC.maryland.gov>) had 2,600 users in the month of February 2022.

Wear The Cost

In February 2022, 267 users visited the site.

Center for Quality Measurement and Reporting-Google Analytics for March 2022

Maryland Quality Reporting

The Maryland Quality Reporting had 5,236 users, 6,206 sessions and 7,874 pageviews in February. The average session duration was 44 seconds.

The site receives the most website referrals from MHCC's homepage (31.8%). However, this month the website also had 20.0% of its referrals from the launch of Google advertisements associated with the Maryland Public Television campaign.

There was a significant increase in referrals from social media sites. Facebook continues to be the primary social media referral source, accounting for 99.0% of all social referrals. Instagram Stories and Classmates were new social referral sources and are directly related to the launch of the MPT campaign.

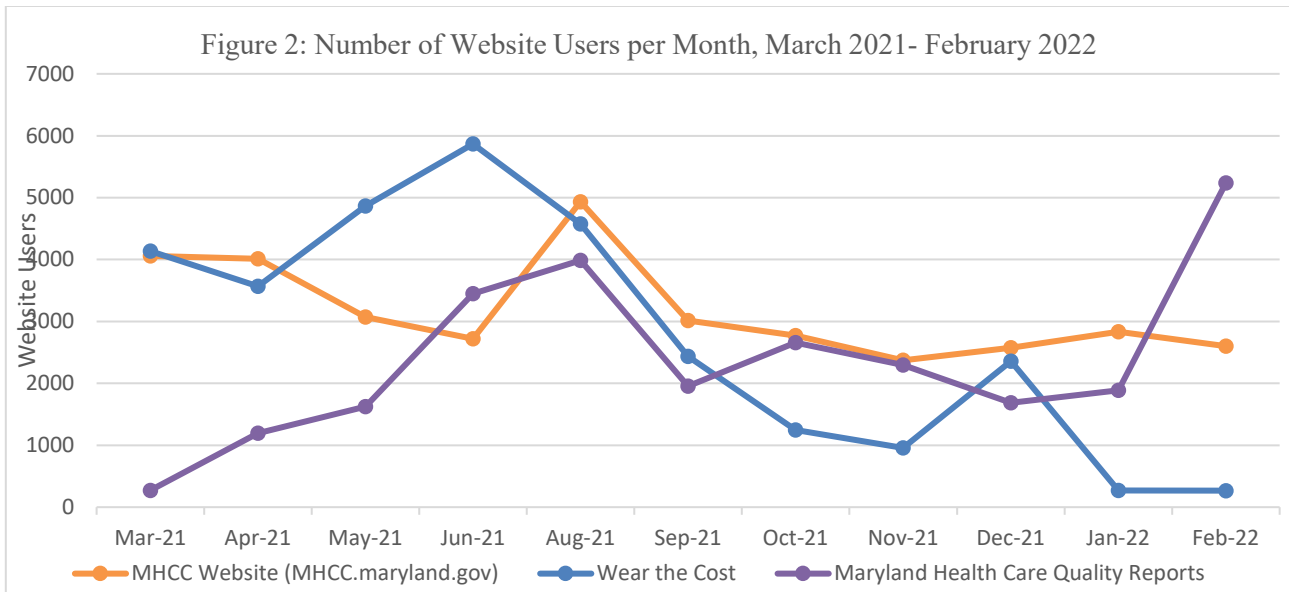


Figure 2 shows the number of website users over a 12-month period for each of the four websites maintained by Commission staff. Specific information about each website is below.

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 2022, nine (26%) payors submitted Quarter 4 2021 data that passed all edits in the new Onpoint Claims Manager portal.

Twenty-two (65%) of the Quarter 4 2021 payor data submissions are under review by Onpoint support staff. Three (9%) payors have not made a submission to the MCDB portal. MHCC and Onpoint staff sent out reminders to these three payors to submit clean data to avoid unnecessary penalties due to late submission.

Professional Services Report Update (2018 -2020)

Private professional payments per RVU for in network services were 103% of Medicare payments for 2020.

Results from the latest report show that private payments per RVU are about 103% higher than Medicare for 2020 about 102% higher than Medicare for 2019 and 2018. Compared to Medicaid payment rates on average, private payer rates are about 121% for 2019, 118% higher than Medicaid payment rates for 2019, and 2018 respectively for the same in-network services.

MHCC staff will present the results of the report at the March Commission meeting.

CENTER FOR HEALTH CARE FACILITIES PLANNING AND DEVELOPMENT

Long Term Care Policy and Planning – Linda Cole

Federal Minimum Data Set (MDS)/MHCC Long-Term Care (LTC) Survey Data Set

A request for proposals (RFP) that will lead to contract for the analysis of the federal Minimum Data Set (MDS) for nursing homes and MHCC's LTC data set (the nursing home component of that survey) has been reviewed by the Maryland Department of General Services and Commission counsel and revised based on comments received. Distribution and posting of the RFP is imminent.

Hospice Data

The FY 2020 Maryland Hospice Survey data set has been posted on the Commission's website at:

https://mhcc.maryland.gov/public_use_files/index.aspx

Planning for the FY 2021 Maryland Hospice Survey was completed in February, and it is scheduled to launch on March 14, 2022. Contact information has been verified with all hospice providers and notice of the survey launch has been sent to providers via email.

Hospice Regulation

MHCC staff, in coordination with the American Health Planning Association, surveyed regulation of hospice services in other states through regulatory programs like Maryland's Certificate of Need (CON) program. Survey responses were received from 12 states, five of which included specific information on assessing need. Results from this survey will be used to plan for updates of the State Health Plan regulations for hospice over the coming year.

Home Health

As noted below, two pre-application conferences for home health agency (HHA) CON reviews were convened in February, for Carroll County and the Lower Eastern Shore Region. LTC Division and CON Division staff discussed the performance-related qualifications by type of applicant (COMAR 10.24.16.07) for letter of intent filers and the general qualification requirements for HHA applicants (COMAR 10.24.16.06C), necessary to docket a CON application. Links to the HHA Utilization Tables developed from MHCC's annual survey of HHAs were provided. Filing of three applications is anticipated for early April.

Certificate of Need – Wynnee Hawk

CON Letters of Intent

Adventist Home Health Services, Inc. – (Carroll County)

Addition of Carroll County to the authorized service area of an existing home health agency (HHA).

CareNet Health Services and Systems, Inc. d/b/a Lorien Health Systems Mt. Airy – (Carroll County)

Establish a new HHA authorized to provide services in Carroll County.

Elizabeth Cooney Home Care, Inc. – (Lower Eastern Shore)

Establish a new HHA authorized to serve Dorchester, Somerset, Wicomico and Worcester Counties.

CareMax Healthcare Services d/b/a Apex Healthcare Solutions – (Lower Eastern Shore)

Establish a new HHA authorized to serve Somerset and Worcester Counties. (It was subsequently determined that this letter of intent filer cannot qualify as a CON applicant.)

Clarkview Surgery Center– (Baltimore County)

Establish an ambulatory surgical facility through addition of an operating room to an existing ambulatory surgical center with two operating rooms and two non-sterile procedure rooms. The center is located at 1427 Clarkview Road, Suite 300, in Baltimore.

Pascal Crisis Services – (Anne Arundel County)

Establish an alcoholism and drug abuse intermediate care facility with 16 beds to be located at 43 Community Place, in Crownsville)

Pre-Application Conference

Adventist Home Health Services, Inc. – (Carroll County)

CareNet Health Services and Systems, Inc. dba Lorien Health Systems Mt. Airy – (Carroll County)

February 16, 2022

Elizabeth Cooney Home Care, Inc. – (Lower Eastern Shore)

CareMax Healthcare Services d/b/a Apex Healthcare Solutions – (Lower Eastern Shore region)

February 23, 2022

Determinations of Coverage

- **Ambulatory Surgery Centers**

Lakeview Surgery Center, LLC – (Prince George’s County)

Establish an ambulatory surgical center (ASC) with two sterile operating rooms and one non-sterile procedure room to be located at 17001 Science Drive, Suite 120, in Bowie.

- **Acquisition/Change of Ownership**

Capital Endoscopy LLC d/b/a MedStar Surgery Center at Takoma Park – (Prince George’s County)

Change in ownership of an ASC located at 6475 New Hampshire Avenue, Suite 150, in Hyattsville. Post transaction, the principal owner is MedStar Ambulatory Services, Inc. The other owners are physician practitioners at the ASC.

Garrett Regional Medical Center and Garrett Regional Medical Center Subacute Rehabilitation Unit – (Garrett County)

GRMC, Inc. (GRMC) notice of its intent to acquire the operating rights of Garrett County Memorial Hospital d/b/a Garrett Regional Medical Center, a 26-bed acute care general hospital located at 251 North Fourth Street in Oakland. Additionally, the same rights will be acquired for Garrett County Subacute Rehabilitation Unit (Subacute Unit), a 10-bed comprehensive care facility on the hospital campus. The transaction will not change the ownership of the real property, currently vested in the Board of County Commissioners of Garrett County. GRMC will hold a 15-year lease to operate the facilities. In lieu of lease payments, GRMC will assume all the hospital’s outstanding debt and existing liabilities over the term of the lease.

GRMC, is solely owned by West Virginia University Hospitals, Inc. d/b/a West Virginia University Health System. This system is comprised of 16 hospitals and other types of inpatient facilities and outpatient service centers in West Virginia, Maryland, Pennsylvania, and Ohio.

- **Licensure**

- **Delicensure of Bed Capacity or a Health Care Facility**

Adventist HealthCare, Inc. d/b/a Adventist HealthCare White Oak Medical Center – (Montgomery County)

Extension of temporarily delicensed status for 10 acute psychiatric beds, the full complement of psychiatric beds authorized for this Silver Spring general hospital. Extended through June 30, 2022

- **“Waiver” Beds**

Crescent Cities Nursing & Rehabilitation Center – (Prince George’s County)

Determination that eight comprehensive care facility (CCF) beds may be added at this CCF without CON approval, bringing its total bed capacity to 158.

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

Brighton Gardens of Tuckerman Lane (Montgomery County)

Transaction: Acquisition of assets

CURRENT

Owner of the real property: SJV 1 Tuckerman Lane LLC; 5550 Tuckerman Lane, North Bethesda, Maryland, 20852

Owner of bed rights: SJV 1 Tuckerman Lane OpCo LLC

Operator: SJV 1 Tuckerman Lane Opco LLC

POST-TRANSACTION

Owner of the real property/bed rights: Tuckerman Property LLC

Operator: Tuckerman Operator LLC

Purchase price: \$7,840,000

Additional information: The CCF has a bed capacity of 39 beds and is located at 5550 Tuckerman Lane, North Bethesda, Maryland, 20852. Currently the land, building, and related assets are owned by SJV 1 Tuckerman Lane LLC located at 5550 Tuckerman Lane, North Bethesda, MD 20852 and after the transaction they will be owned by Tuckerman Property LLC. The bed rights are currently owned by SJV 1 Tuckerman Lane OpCo LLC and after the transaction will be owned by Tuckerman Property LLC. The operator of the facility is currently SJV 1 Tuckerman Lane Opco LLC and after the transaction, the new operator will be Tuckerman Operator LLC.

Commission staff notes that the CCFs operated by entities associated with the persons acquiring Brighton Gardens of Tuckerman Lane have an average overall rating of 3.3 stars which is better than average (composite scores of three stars or above out of five stars) on the CMS Nursing Home Compare Five-Star Quality Rating System utilizing data from the most recent quarterly refresh on December 8, 2021. The associated facilities are both in and outside of Maryland.

Commission staff also notes that the facility being acquired presents a concern regarding its Memorandum of Understanding (MOU) with Maryland Medicaid. The current MOU for Brighton Gardens Tuckerman Lane is for 46.3% and the facility is currently only achieving 27.6%. The acquiring entity states it will continue to be bound by the MOU. Although the acquiring entities have met the notification requirements for an acquisition, it is notable that if a CON were needed for Brighton Gardens at Tuckerman Lane, the facility would probably fail to meet the requirements of the Medical Assistance Participation standard set forth in COMAR 10.24.20.05A(2)(b) as it is below the threshold for its MOU as evidenced by the facility Medicaid patient days in the most recent Medicaid Cost Report.

Ravenwood Nursing Care Center – (Washington County)

Transaction: Acquisition of the Assets

Current Owner of the Real Property, owner of the bed rights and operator of the facility: Diakon Lutheran Senior Living, Maryland, LLC

Owner post-transaction:

Owner of the real property and beds rights: 1183 Luther Drive, LLC

Operator of the facility: Creekside SNF Operating Company, LLC

Purchase Price: \$15,850,000

Additional information: Pending. Additional information has been requested by MHCC

CENTER FOR HEALTH INFORMATION & INNOVATIVE CARE DELIVERY

Health Information Technology Division – Nikki Majewski, Division Chief

Telehealth Study

Planning is underway to convene two behavioral health focus groups and several interviews with representatives from provider and consumer organizations. The work is aimed at gathering additional information on the use of audio-only and audio-visual technologies for the delivery of mental health and substance use disorder services. Recommendations are due to the Senate Finance Committee and the House Health and Government Operations Committee by December 1, 2022, as required by Chapters 70 and 71 of the 2021 Laws of Maryland, *Preserve Telehealth Access of 2021*.

Patient Generated Health Data

A patient generated health data (PGHD) flyer featuring privacy and security considerations for wearable technology was finalized. Wearables can track a range of biometric data (e.g., glucose levels, pulse rate, blood pressure) outside of a clinical setting, which can assist providers in care delivery.

Health Equity

Development of a telehealth flyer aimed at social workers that serve underserved and vulnerable populations is advancing. The flyer aims to build awareness on the use of telehealth in areas that face adverse health outcomes based on a high Area Deprivation Index (ADI). ADI is a publicly available neighborhood-level measure of socioeconomic disadvantage.

Hospital Assessment

Pre-testing of the draft 2022 *Hospital Health Information Technology Survey* (survey) was completed with select stakeholders. The survey includes questions on health information technology (health IT) use and several new questions related to EHR-based tools to screen for social determinants of health, referrals to community programs, and capture patients advance directives or health care agent contact information. The survey is targeted for release in March.

Nursing Home Assessment

A preliminary draft insights brief (brief) on the impact of health IT in nursing homes is advancing. The brief includes takeaways from interviews with various nursing home representatives on the value of health IT in supporting care delivery and transitions of care. Nursing home responses to health IT questions in the 2021 Annual Long Term Care Survey are also included. The brief is targeted for release in April.

Cybersecurity Webinar

Staff convened a cybersecurity and cyber liability insurance webinar in collaboration with MedChi, The Maryland State Medical Society (MedChi). Attendees are eligible to receive continuing medical education (CME) credits. The webinar is available on MHCC's website.

Electronic Data Interchange

The 2022 *Electronic Data Interchange (EDI) Progress Report* (report) was distributed to approximately 40 payers operating in Maryland. COMAR 10.25.09, *Requirements for Payers to Designate Electronic Health Networks* requires payers with a premium volume of \$1 million or more to report census data on administrative health care transactions annually. Payers were requested to submit their report by May 31st.

Innovative Care Delivery Division – Melanie Cavaliere, Division Chief

Advanced Care Delivery

MDPCP Tutorial

Development is progressing on a Maryland Primary Care Program (MDPCP) educational tutorial (tutorial). The tutorial features nine standalone modules overviewing key aspects of the program (i.e., tracks, care delivery requirements, benefits to providers and consumers, etc.). Modules are designed to allow users to select specific learning areas based on preference. The tutorial will be posted on MHCC's website in April.

Practice Transformation Grant Activities

Practice transformation screening activities are nearing completion for roughly 65 practices that applied to participate in the *Advancing Practice Transformation in Ambulatory Practices* program. The grantee, MedChi Care Transformation Organization (CTO), has completed assessments for about 48 practices. The assessment was developed by the Centers for Medicare & Medicaid Services to identify where practices are on the practice transformation continuum. Results from the assessment will inform practice selection by staff and MedChi CTO. Development of a provider flyer that highlights the program was completed.

Practice Roundtable

Preparations are underway for a health equity roundtable (roundtable). The discussion will focus on various health care delivery challenges in the medical neighborhood. Participant feedback will inform development of a best practice guidance information brief. The roundtable is planned for March.

Patient Reported Outcome Measures

Planning is progressing for a patient reported outcome (PRO) measures practice symposium (symposium). Discussion topics include select PRO measures, clinical data uses, practice tools and resources, and educational opportunities. Participant feedback will inform strategies aimed at increasing awareness of PRO measures and in developing practice guidance material. The symposium is targeted to occur in April.

Learning Networks

Promotional activities are proceeding for a podiatric webinar on implementing remote patient monitoring (RPM). The webinar will provide best practice guidance for selecting RPM technologies. Participants are eligible to receive CMEs; the webinar is targeted to occur in March.

Electronic Health Network Workgroup

Preparations are advancing for convening the Electronic Health Network (EHNs) Workgroup (workgroup) in March. The workgroup will consider potential solutions to challenges associated with implementing Chapter 790 (House Bill 1022) and 791 (Senate Bill 748) of the 2021 LOM. The law requires MHCC certified EHNs to submit administrative health care transactions originating from a Maryland-based provider to CRISP for public health and clinical purposes.

Health Information Exchange Division – Alana Sutherland, Division Chief

Privacy and Security Regulations

The Health Information Exchange (HIE) Policy Board (workgroup) continued to review draft modifications to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information* (regulations). Proposed changes to modernize the regulations were provided by Post & Schell, P.C (contractor). The workgroup has completed a preliminary review of the draft changes to 8 out of 12 sections of the regulations. The workgroup is scheduled to convene in March.

Consumer Consent Management

Draft HIE consumer consent management utility (CMU) connectivity testing specification were provided to several HIEs. Chapter 798 of the 2021 LOM (House Bill 1375), *Health Information Exchanges – Electronic Health Information – Sharing and Disclosure*, requires CRISP to establish a CMU to centralize a method for consumers to opt-out and back into HIE. Feedback from HIEs will inform the CMU connectivity specifications.

HIE Roundtable

Staff collaborated with Civitas Networks for Health and the Association for Health IT State Leaders (collaborative) to convene an HIE health data utility (HDU) roundtable. Participants discussed technical infrastructure, policies, and trust requirements for an HDU model. Planning is underway for an additional HDU event focused on HIE funding and sustainability. The collaborative will use information obtained from several HIE roundtable events to develop guidance for states and HIEs in implementing an HDU framework.

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. Routine updates and maintenance are ongoing. The next major update is in progress and will include refreshed data for hospitals, nursing homes, home health agencies, and price transparency information. Inspection survey results for assisted living facilities with ten beds or more has been updated through August 31, 2021, the most current data provided by OHCQ. The complete directory of assisted living facilities has also been updated. Maryland has almost 1,700 licensed assisted living facilities, with over 25,600 beds.

MQR Website Traffic

Staff monitors traffic to the consumer site using Google Analytics software. Website traffic was significantly higher in February (5,236 users) compared to the previous month (1,866 users) which can be attributed to the MPT advertising campaign (discussed below in the MQR Website Promotion section). 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

Promotion of the MQR website is a Center priority. There were approximately 80 social media posts in February. Topics included American Heart Month, National Wise Health Care Consumer 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. The most recent NextDoor post included information about health disparities and where to find more information on the MQR website.

Staff also continue to work with Maryland Public Television (MPT) on a promotional campaign to increase public awareness of the MQR website. Digital, social media, and print advertising began in early February and will continue through August. The first of three flights of the television/radio media campaign launched in late February and will continue through mid-March. The ad will air during commercial breaks on various national news shows on CNN (e.g., Anderson Cooper 360), Fox Network (e.g., Fox and Friends), and MSNBC (e.g., Morning Joe). This portion of the campaign has shown early success; since the campaign began in February, the number of users to the site more than tripled compared to the previous 3-week period (4,854 users vs. 1,394 users).

Nursing Home Registration with NHSN

Nursing homes will be required to enter Covid-19 vaccination data directly into CDC's National Healthcare Safety Network surveillance software as reporting will no longer be supported by CRISP. Early in the pandemic, Center staff provided technical assistance to approximately 20 nursing homes to navigate the NHSN registration process. In response to the recent reporting changes, staff resumed technical assistance and have helped an additional 10 facilities to ensure nursing homes are registered and in compliance with CMS reporting mandates.

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 2022 occurred on February 8, 2022. Discussion points included data registry updates, a case study, and a question-and-answer session. The next meeting is scheduled for May 10, 2022.

Long Term Care and Health Plan Quality Initiatives—Stacy Howes

Nursing Home Family Experience of Care Survey

Data collection for 2021 is complete, and data analysis and report generation are in process. Results will be available soon and presented at a Commission meeting in the spring.

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

Data collection for the 2021-2022 flu season ends on March 31. Data reporting will begin on April 1.

Outpatient Quality Initiative—Mariama Gondo

Outpatient Quality Initiative

Staff continues to prepare for collection of 2021 ambulatory surgical facility survey data in the fall of this year. There was a moratorium on reporting for the 2020 reporting year due to the COVID pandemic. Staff will host presentations on the new system enhancements in the spring.

Health Disparities Initiative

In response to House Bill 309/Senate Bill 565 from the 2021 legislative session, the Commission worked in collaboration with the Office of Minority Health and Health Disparities (OMHHD) to write and submit a report to the legislature. The report was shared with the Department of Health Senior Leadership for their review and to send it forward to the legislature. Staff is near the completion of the various program summaries as they are the building blocks for establishing a catalog (inventory) of programs that serve vulnerable populations. Once all the summaries are completed, staff will conduct additional quality control checks to ensure uniformity as that would make them easier to digest when made available to the public.