

# MARYLAND HEALTH CARE COMMISSION

## *UPDATE OF ACTIVITIES*

November 2022

### *EXECUTIVE DIRECTION*

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

##### State Policy Update

MHCC staff continues to work on legislative interim projects from the 2022 legislative session. The various workgroups (Palliative Care, Workplace Violence, Non-CDS, ALFs, Primary Care) mandated by bills passed in the 2022 legislative session have all started and have had at least one meeting.

The Home Test Kits for Sexually Transmitted Diseases mandate study (*SB 634 – Health Insurance – Home Test Kits for Sexually Transmitted Diseases – Required Coverage*) and the Coverage of In Vitro Fertilization mandate study (*HB 142 – Health Insurance – Coverage of In Vitro Fertilization – Revisions*) are underway. Also under way is the study related to *SB 725/HB 974 - Physical Therapy Copays Mandate Study*. MHCC has selected vendors to conduct these three studies.

The Healthcare Workforce Shortage (*HB 625 – Commission to Study the Health Care Workforce Crisis in Maryland – Establishment*) workgroup has begun meeting. Commissioner Bhandari is attending the meetings as the MHCC representative. Commissioner Bhandari is leading the *Hospitals* workgroup. Supporting Commissioner Bhandari on the HealthCare Workforce Workgroup is Mr. Ben Steffen, Mr. David Sharp, and Ms. Tracey DeShields.

MHCC-related news coverage: selected articles and commentary

##### *Health Facilities*

Lagasse, J. “Maryland puts \$25M toward pediatric staffing as respiratory virus surges.” . November 1, 2022. Healthcare Finance. Available from: <https://www.healthcarefinancenews.com/news/maryland-puts-25m-toward-pediatric-staffing-respiratory-virus-surges>

Taylor, M. “CMS updates nursing home staff vaccination requirements.” October 27, 2022. Becker’s Hospital Review. Available from: <https://www.beckershospitalreview.com/post-acute/cms-updates-nursing-home-staff-vaccination-requirements.html>

##### Health Disparities

Maryland Department of Health. “Maryland Department of Health announces \$1 million for Vision for Baltimore Partnership.” November 1, 2022. Available from:

[https://health.maryland.gov/newsroom/Pages/PHOTO-RELEASE---Maryland-Department-of-Health-announces-\\$1-million-for-Vision-for-Baltimore-partnership.aspx](https://health.maryland.gov/newsroom/Pages/PHOTO-RELEASE---Maryland-Department-of-Health-announces-$1-million-for-Vision-for-Baltimore-partnership.aspx)

Adetosoye, F., Baer, T., Kahn, J., Leonard, S., and Mandel, A. “Federal funding may boost social determinants of health infrastructure.” November 1, 2022. McKinsey & Company. Available from: <https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/federal-funding-may-boost-social-determinants-of-health-infrastructure>

Burnett, J. “CDC report reveals life expectancy down in MD, local health experts weigh in.” October 31, 2022. WMDT.COM. Available from: <https://www.wmdt.com/2022/10/cdc-report-reveals-life-expectancy-down-in-md-local-health-experts-weigh-in/>

##### *Behavioral Health*

Sears, B. “Legislators seek answers from health department about contractor’s late payments.” November 1, 2022. Daily Record. Available from: <https://thedailyrecord.com/2022/11/01/legislators-seek-answers-from-health-department-about-contractors-late-payments/>

DePuyt, B. “State health claims vendor under scrutiny is ‘not up for the job,’ lawmakers are told.” November 1, 2022. Maryland Matters. Available from: <https://www.marylandmatters.org/2022/11/01/marylands-health-claims-vendor-is-not-up-for-the-job-lawmakers-are-told/>

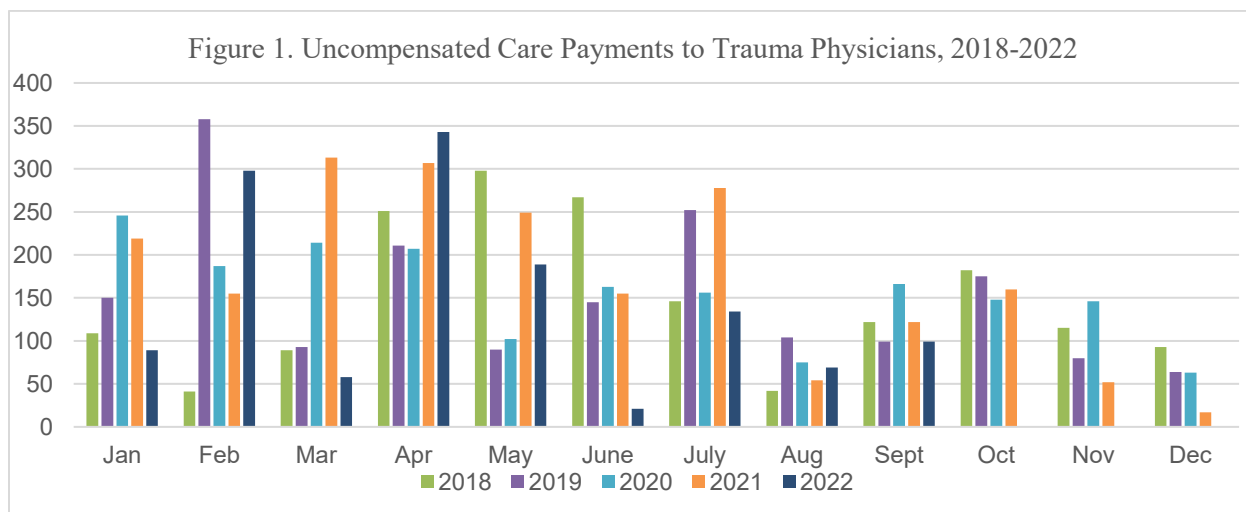
DePuyt, B. “Review uncovers problems with state’s system for processing behavioral health claims.” October 28, 2022. Maryland Matters. Available from: <https://www.marylandmatters.org/2022/10/28/review-uncovers-problems-with-states-system-for-processing-behavioral-health-claims/>

Press Release. “Maryland Congressional Delegation Announces Over \$1 Million To Support Mental Health Services Across the State.” November 1, 2022. Van Hollen, Chris, U.S. Senator for Maryland. Available from: <https://www.vanhollen.senate.gov/news/press-releases/maryland-congressional-delegation-announces-over-1-million-to-support-mental-health-services-across-the-state>

### **Maryland Trauma Physician Services Fund**

#### **Uncompensated Care Processing**

Trustmark Health Benefits, the third-party administrator (TPA) for the Trauma Fund, processed \$211,423.70 uncompensated care claims through October 2022.



**MHCC Website:** The MHCC website (<https://MHCC.maryland.gov>) had 4,255 users in the month of October 2022.

#### **Wear The Cost**

In September 2022, 1,114 users visited the site.

#### **Maryland Quality Reporting**

The Maryland Quality Reporting had 4,427 users, 5,295 sessions and 6587 pageviews in October. The average session duration was 58 seconds. Website activity remained stable, increasing roughly 10.0% for all metrics except for the slight decreases in session per user and pages per session. Notably, the average session duration or how long consumers stay on the website increased 25.3%.

The site received the most website referrals from MHCC’s homepage (61.9%). The website also had referrals from Maryland 211, Maryland Attorney General, Maryland State Archives, Consumer Health Rankings, and A Place for Mom. During the month, there were 1,310 users referred to the website from the MPT geotargeting campaign.

Facebook continues to be the primary social media referral source, accounting for 95% of all social referrals.

Figure 2: Number of Website Users per Month, November 2021 - October 2022

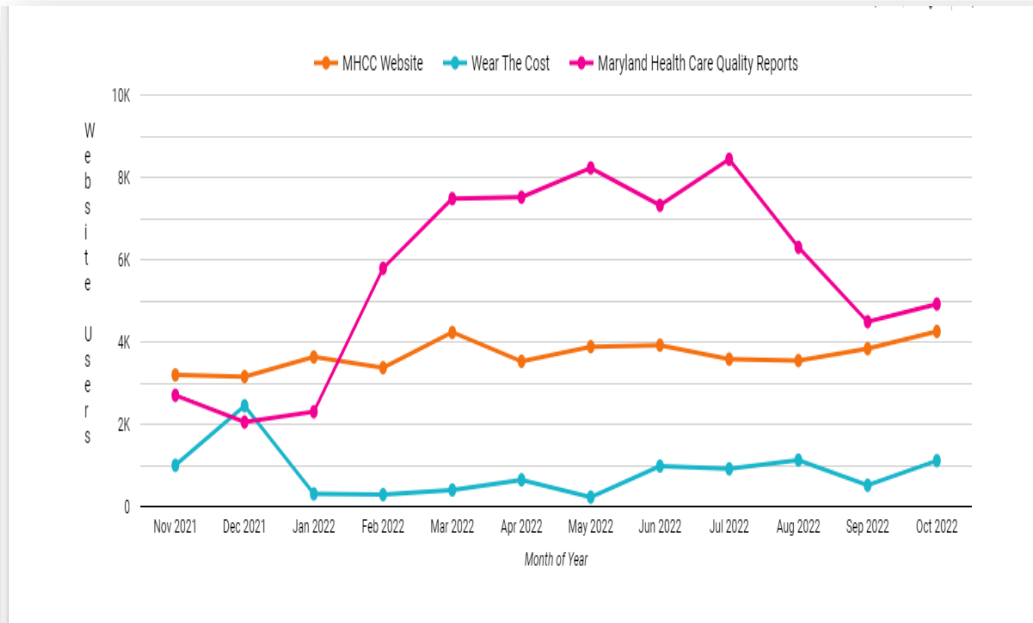


Figure 2 shows the number of website users over a 12-month period for each of the three websites maintained by Commission staff. Specific information about each website is listed above.

***CENTER FOR ANALYSIS AND INFORMATION SYSTEMS***

***Cost and Quality Analysis – Shankar Mesta***

**MCDB Data Submission Status, Payer Compliance, and Technical Support**

Nine (26%) payors submitted complete clean Q3 2022 data as of end of October 2022. Nine (26%) of the Q3 2022 payer data successfully passed the Tier 3 data quality validation checks. To facilitate data submission, OnPoint staff sent weekly reminders to payors to submit clean 2022 Q3 data before deadline of 11/30/2022.

**2023 MCDB Data Submission Manual**

2023 MCDB Data Submission Manual has been successfully updated with new changes.

The Manual will have four new fields related to fee for service claims as follows: (i) The HCP-LAN Type filed in the eligibility file, (ii) the patient Co-payment field in the professional, institutional, pharmacy, and dental files and (iii) the other procedure code 2 – 15 and procedure code modifier I and II in the institutional file.

In 2022, the Maryland General Assembly passed, and Governor Hogan signed HB 1148 (Health Insurance - Two-Sided Incentive Arrangements and Capitated Payments - Authorization). MHCC was directed to assess the quality and effectiveness of the two-sided programs that result from the new law. MHCC developed a draft Alternative Payment Methods (APM) data template as required under the law. Appendix H in the 2023 Data submission manual provides detailed information related to APM data reporting requirements.

MHCC staff shared the draft version with payor representatives for their feedback on the new changes. Staff will present the new manual for approval at the November Commissioners meeting. The manual will be posted immediately after Commission approval.

### **MHCC Data Regarding HMO Payments to Non-Participating Providers**

Maryland Health-General Article, §19-710.1 specifies a methodology to calculate minimum payment rates that Health Maintenance Organizations (HMOs) must pay to non-contracting (non-trauma) providers that provide a covered evaluation and management (E&M) service to an HMO patient. The Maryland Health Care Commission (MHCC) is required to annually update these minimum payment rates, which are published by the Maryland Insurance Administration (MIA).

As specified in the law, E&M services as defined by the Centers for Medicare and Medicaid Services (CMS) in the Berenson-Eggers Type of Services (BETOS) terminology are calculated from the CMS Medicare Physician Fee Schedule that applied in August of 2008 adjusted by the cumulative Medicare Economic Index (MEI) prior to the start of each new calendar year. The 2022 MEI is 2.1%. MHCC and MIA have agreed to modify the methodology if there is a new E&M services code included in the BETOS E&M categories. Fee levels for new codes will be based on the current Medicare Physician Fee Schedule for the geographic region and inflated using the MEI in subsequent years.

### **Special Projects – Janet Ennis**

#### **Requests for Mandate Analysis**

Staff received formal letters of request from the Senate Finance and the House Health and Government Operations Committees to evaluate three proposed mandates that failed during this year's legislative session. Consistent with Insurance Article §15-1501, it is their practice to have MHCC assess the social, medical, and financial impacts of a proposed mandated health insurance service or coverage before approving legislation to adopt the new mandate. The requested evaluations relate to the following failed bills:

- (1) SB 634 - requiring coverage of home test kits for sexually transmitted diseases
- (2) HB 142 - revising the current coverage of in vitro fertilization (IVF); and
- (3) SB 725/HB 974 - Health Insurance - Physical Therapy - Copayments, Coinsurance, and Deductibles

MHCC staff drafted small procurement Bid Boards for actuarial consulting services to conduct each analysis, also allowed under Insurance Article §15-1501, to carry out the statutory provisions. Axene Health Partners, the successful bidder for the STD mandate evaluation, has been working with carriers on survey questions, discussing the issues with the bill sponsor, and conducting a literature review for the report. Later in today's meeting, Axene will present preliminary findings to date on their analysis. BerryDunn continues similar work, along with discussions with industry stakeholders, on the analysis for out-of-pocket parity for physical therapy services and will also present their draft report for approval later in today's meetings. Lewis & Ellis continues their work analyzing proposed revisions to the current IVF mandate, and their findings will be presented at the December public meeting. All three mandate studies are due to the Legislature by the end of the year.

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

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

**State Health Plan for Facilities and Services: Acute Care Hospital Services, COMAR 10.24.10**

As the October Commission meeting, staff presented an overview of suggested changes in a draft update of these regulations, which is planned for posting on the MHCC website for informal comments.

**Legislative Study of Financial Requirements for Access to Organ Transplants**

MHCC staff met with representatives of the University of Maryland and MedStar Health to follow-up on a request for additional information on how these providers of organ transplantation services qualify persons as potential recipients of organ transplantation based on income or other means of paying for services. MHCC staff plans to complete its report in November.

**Long-Term Care Policy and Planning – Linda Cole**

**Palliative Care Services Work Group**

HB 378, passed during the 2022 legislative session, requires the Commission to convene a workgroup of interested stakeholders to study palliative care services and make recommendations to improve palliative care services in the State:

<https://mgaleg.maryland.gov/2022RS/bills/hb/hb0378t.pdf>

Materials from the first meeting, held on September 21, 2022, including the meeting summary and recording, may be found at:

[https://mhcc.maryland.gov/mhcc/pages/home/workgroups/workgroups\\_palliative\\_care\\_services.aspx](https://mhcc.maryland.gov/mhcc/pages/home/workgroups/workgroups_palliative_care_services.aspx)

The second meeting has been scheduled for November 14, 2022. This meeting will focus on using a survey instrument to identify where palliative care services are provided, and where there are gaps in services. The third meeting has been scheduled for January 9, 2023.

**Hospice Data**

Data collection and processing of the FY 2021 data for posting on the MHCC web has been completed. The Public Use Data set has been posted at:

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

**FY 2021 Home Health Survey**

The FY 2021 Home Health Survey data collection started on October 17, 2022. Survey responses are due on December 15, 2022. Staff will provide ongoing technical support to providers during the data collection period.

**Certificate of Need (CON) – Wynnee Hawk**

**CON's Approved**

**Pyramid Healthcare Inc. (Prince George's County) – Docket No. 22-16-2452**

Establishment of a 50-bed alcoholism and drug abuse intermediate care facility (ICF) at 3000 Lottsford Vista Road in Bowie.

Approved Cost: \$4,930,900

Encompass Health Rehabilitation Hospital of Southern Maryland, LLC (Prince George's County) – Docket No. 22-16-2458)

Addition of 10 beds to an approved 60-bed special rehabilitation hospital under development in Bowie.

Approved Cost: \$13,109,242

**Exemption from CON Review Approved.**

Communicare Health Services, (Clinton Health Care Center/Forestville Healthcare Center) (Prince George's County) – Docket No. 22-16-EX014

Addition of 37 comprehensive care facility (CCF) beds at Forestville Healthcare Center in Forestville to be undertaken with a 37-bed reduction in the licensed CCF bed inventory of Clinton Healthcare Center in Clinton. When completed, the project will eliminate operation of all patient rooms with more than two beds at both CCFs.

Approved Cost: \$31,143,408

**Project Change After CON Approval**

Baltimore Detox Center, LLC (Baltimore County) – Docket No. 18-03-2419

This entity, which holds a CON to establish an ICF, submitted a request for approval in a change in the approved cost of the project. The request was not timely in that the additional expenditure was obligated prior to submission of the request. For this reason, action on the change will not be taken by MHCC.

**CON Letters of Intent**

Surgery One – (Montgomery County)

Develop a multispecialty ambulatory surgical facility with 14 operating rooms, 3 procedure rooms and 4 interventional cardiology advance care beds to be located on two floors of the Falls Grove Plaza Medical Center located at 14995 Shady Grove Road in Rockville.

**Pre-Application Conference**

Surgery One – (Montgomery County)

This conference took place on October 27, 2022

**CON Applications Filed**

Chesapeake Eye Surgery Center – (Anne Arundel County) – Matter No. 22-02-2461

Establishment of this ambulatory surgery center (ASC) as an ambulatory surgical facility through the addition of a third operating room.

Estimated Project Cost: \$636,164

**Acquisition/Change of Ownership**

Bethesda Chevy Chase Surgery Center, LLC – (Montgomery County)

Change in ownership structure of this ASC. Post-transaction the principal owner (65.95%) will be Aligned Orthopedic Partners/USP Surgery Centers Bethesda, L.L.C. The balance of the ownership interest will be held by physicians.

Four Home Health Agencies: HomeCall, VNA of Maryland, Shore Home Care, and Chester River Home Care and Hospice

The agencies, currently owned by LHC Group, Inc., will be acquired by a joint venture, Maryland Healthcare Partnership, LLC, formed by LHC Group, Inc. and the University of Maryland Medical System Corporation. No changes in the services provided will result from this transaction.

**Determinations of Coverage**

• **Capital Projects**

Greater Baltimore Medical Center – (Baltimore County)

Proposed capital expenditure of \$76,291,544 to build a garage and a two-story shell space building consisting of approximately 60,000 square feet, adjacent to the hospital. The hospital indicates that the space will be finished for use by the Sandra and Malcolm Berman Cancer Institute to provide outpatient services. The hospital sought and received a determination that a CON would not be required for this project under the provisions of Health-General § 19-120(k)(6)(viii), commonly known as the “pledge.” The project will be funded with \$37,891,850 in debt, \$20 million in philanthropic contributions, and \$18,399,694 in cash.

Johns Hopkins Bayview Medical Center – (Baltimore City)

The hospital sought and received a determination that a CON would not be required for the relocation of eight licensed medical/surgical/gynecological/addictions beds from North Pavilion 3 to Burton Pavilion 2C. The estimated cost of this project is \$1,000,000.

• **“Waiver” Bed Additions (allowed without CON review and approval)**

Peak Healthcare at Copper Ridge – (Carroll County)

Addition of six CCF beds authorizing the facility to operate a total of 72 CCF beds.

Layhill Nursing & Rehabilitation Center (Montgomery County)

Addition of 10 CCF beds authorizing the facility to operate a total of 138 beds.

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

**Peak Healthcare at Denton (Caroline County)**

Transaction: Change of operator

*CURRENT*

Owner of the real property: Denton MD Propco LLC

Owner of bed rights: Denton MD Opco LLC

Operator: Denton MD Opco LLC

*POST-TRANSACTION*

Owner of the real property: Denton MD Propco LLC

Owner of bed rights: Denton Nursing and Rehab, LLC

Operator: Denton Nursing and Rehab, LLC

Purchase price: \$0

Additional information: The CCF has a bed capacity of 100 beds and is located 420 Colonial Drive in Denton. The facility has a Memorandum of Understanding (MOU) with Medicaid requiring a minimum of 67% Medicaid patient days. The most recent payor mix information indicates that the CCF provided 68% of total patient days to Medicaid patients. The anticipated closing date of the transaction is December 1, 2022.

Commission staff notes that the Maryland CCFs owned by the person who will operate Peak Healthcare at Denton post-transaction has above average ratings (three stars out of five) on the CMS Nursing Home Compare Five-Star Quality Rating System. However, all three non-Maryland

facilities operated by this person have below average ratings (one star out of five) in the most recent CMS refresh.

**Peak Healthcare at Chestertown (Kent County)**

Transaction: Change of operator

*CURRENT*

Owner of the real property: Chestertown MD Propco LLC

Owner of bed rights: Chestertown MD Opco LLC

Operator: Chestertown MD Opco LLC

*POST-TRANSACTION*

Owner of the real property: Chestertown MD Propco LLC

Owner of bed rights: Chestertown Nursing and Rehab, LLC

Operator: Chestertown Nursing and Rehab, LLC

Purchase price: \$0

Additional information: The CCF has a bed capacity of 92 beds and is located 415 Morgnec Road in Chestertown. The facility has no MOU with Medicaid. The anticipated closing date of the transaction is December 1, 2022.

Commission staff notes that the Maryland CCFs operated by the person acquiring Peak Healthcare at Chestertown has above average ratings (three stars out of five) on the CMS Nursing Home Compare Five-Star Quality Rating System. However, all three non-Maryland facilities operated by this person have below average ratings (one star out of five) in the most recent CMS refresh.

**Peak Healthcare at The Pines (Talbot County)**

Transaction: Change of operator

*CURRENT*

Owner of the real property: Easton MD Propco LLC

Owner of bed rights: Easton MD Opco LLC

Operator: Easton MD Opco LLC

*POST-TRANSACTION*

Owner of the real property: Easton MD Propco LLC

Owner of bed rights: Pines Nursing and Rehab, LLC

Operator: Pines Nursing and Rehab, LLC

Purchase price: \$0

Additional information: The CCF has a bed capacity of 170 beds and is located at 610 Dutchman's Lane in Easton. The facility has no MOU with Medicaid. The anticipated closing date of the transaction is December 1, 2022.

Commission staff notes that the Maryland CCFs operated by the person acquiring Peak Healthcare at Chestertown has above average ratings (three stars out of five) on the CMS Nursing Home Compare Five-Star Quality Rating System. However, all three non-Maryland facilities operated by this person have below average ratings (one star out of five) in the most recent CMS refresh.

**Peak Healthcare at Hartley (Worcester County)**

Transaction: Change of operator

*CURRENT*

Owner of the real property: Pocomoke City MD Propco LLC

Owner of bed rights: Pocomoke City MD Opco LLC

Operator: Pocomoke City MD Opco LLC

*POST-TRANSACTION*

Owner of the real property: Pocomoke City MD Propco LLC

Owner of bed rights: Hartley Nursing and Rehab, LLC

Operator: Hartley Nursing and Rehab, LLC

Purchase price: \$0

Additional information: The CCF has a bed capacity of 73 beds and is located at 1006 Market Street in Pocomoke City. The anticipated closing date of the transaction is December 1, 2022.

Commission staff notes that the Maryland CCFs operated by the person acquiring Peak Healthcare at Chestertown has above average ratings (three stars out of five) on the CMS Nursing Home Compare Five-Star Quality Rating System. However, all three non-Maryland facilities operated by this person have below average ratings (one star out of five) in the most recent CMS refresh.

**Vindobona Nursing and Rehabilitation Center (Frederick County)**

Transaction: Acquisition of assets, bed rights, and operations

*CURRENT*

Owner of the real property: Vindobona Realty Group, LLC

Owner of bed rights: Vindobona Realty Group, LLC

Operator: Vindobona Operating Group, LLC

*POST-TRANSACTION*

Owner of the real property: 6012 Jefferson Boulevard Propco LLC

Owner of bed rights: 6012 Jefferson Boulevard Propco LLC

Operator: 6012 Jefferson Boulevard Opco LLC, dba Autumn Lake at Braddock Heights

Purchase price: \$7,270,000

Additional information: The CCF has a bed capacity of 65 beds and is located at 6012 Jefferson Boulevard in Frederick. The anticipated closing date of the transaction is January 1, 2023. The facility does not have an MOU with Medicaid.

Commission staff notes that other CCFs owned or operated by the purchasers (Aryeh Stern and Morris Meisels), in Maryland and other states have below average ratings (composite scores below three stars out of five) on the CMS Nursing Home Compare Five-Star Quality Rating System. Although the acquiring entities have met the notification requirements for an acquisition, it is notable that 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)].

**Sagepoint Nursing and Rehabilitation Center (Charles County)**

Transaction: Acquisition of assets, bed rights, and operations

*CURRENT*

Owner of the real property: Sagepoint Real Estate

Owner of bed rights: Charles County Nursing and Rehabilitation Center, Inc

Operator: Sagepoint Nursing and Rehabilitation Center

*POST-TRANSACTION*

Owner of the real property: Chapman Property, LLC

Owner of bed rights: Chapman Operator, LLC

Operator: Chapman Operator, LLC

Purchase price: \$28,200,000

Additional information: The CCF has a bed capacity of 170 beds and is located at 10200 La Plata Road in La Plata. The anticipated closing date of the transaction is December 1, 2022. The facility has met its requirements under an MOU with Medicaid.

Commission staff notes that other CCFs owned or operated by the acquiring this CCF have below average ratings (composite scores below three stars out of five) on the CMS Nursing Home Compare Five-Star Quality Rating System. Although the acquiring entities have met the notification requirements for an acquisition, it is notable that 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)].

**Status of Projects Docketed for More Than 90 Days Without Issuance of a Staff Report or Recommended Decision [COMAR 10.24.01.09E(1)]**

**[Franklin Square Medical Center – Introduce Liver Transplantation Services - Docket No. 17-03-2406](#)**

A Reviewer has been appointed in this contested case and has asked the applicant to update its CON application to reflect changes in national organ allocation policies adopted since submission and docketing of the application and any other relevant updates.

**[Johns Hopkins Bayview Medical Center – Expansion/Renovation - Docket No. 18-24-2414](#)**

The applicant requested a stay in the review of this application and has informed MHCC that it plans to submit a revised application for continued review of the project with the objective of obtaining a positive opinion from HSCRC on the project’s financial feasibility and long-term viability. A Reviewer has been appointed in this case for which interested party comments have been filed.

**[Physicians Surgery Center of Frederick – Establishment of an Ambulatory Surgical Facility through the Addition of Two Operating Rooms - Docket No. 21-10-2451](#)**

The Reviewer appointed in this contested case is currently drafting a Recommended Decision.

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

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

**Telehealth Study**

A telehealth recommendations report was drafted based on study findings and lessons learned from the public health emergency. Draft recommendations center on telehealth coverage, technology, payment levels and future study, clarifying related terms in statute, and network adequacy. NORC was competitively selected to complete study activities and a technical findings report. Chapter 70/House Bill 123 and Chapter 71/Senate Bill 3, *Preserve Telehealth Access Act of 2021*, require recommendations be provided to the Senate Finance Committee and the House Health and Government Operations (HGO) Committee by December 1, 2022.

### **Interstate Telehealth Expansion Study**

An Interstate Telehealth Expansion Study kickoff meeting was convened with Westat who was competitively selected to complete a study on the benefits, risks, opportunities, and barriers to interstate telehealth. Participants were identified for an Interstate Telehealth Workgroup that will convene during the first quarter of 2023. Recommendations for expanding interstate telehealth are due to the HGO by December 1, 2023.

### **Prescription Drug Reporting**

Dispensers were identified to participate in a technical discussion regarding data submission standards. The discussion will occur in December and will be open to participants in the Noncontrolled Prescription Drugs Workgroup. Development activities are advancing with CRISP's Request for Proposal (RFP) to competitively select a vendor to support the requirements in Chapter 296/House Bill 1127 *Public Health – State Designated Exchange – Health Data Utility* (2022). The law requires dispensers to report information on noncontrolled prescription drugs to CRISP after dispensing. CRISP plans to release the RFP before the end of the year.

### **Health Data Utility (HDU) Framework**

Civitas Networks for Health (Civitas) convened the HDU Framework (framework) National Advisory Council (council) to discuss key components of the framework. The council consists of about 15 representatives from states with advanced health information exchange (HIE) models. The framework is intended to guide CRISP and other HIE organizations with the implementation of robust technical capabilities required to address health data access challenges and support care delivery and public health. Civitas was completely selected to develop the framework. A draft of the framework is expected by the end of November.

### **Electronic Advance Directives**

A flyer was developed highlighting the significance of advance care planning and options for health care consumers to create and share electronic advance directives. The flyer was distributed to payers, providers, the Maryland Attorney General, Motor Vehicle Administration, and CRISP for posting on their websites. Chapter 312/Senate Bill 824 *Health - Accessibility of Electronic Advance Care Planning Document* (2022) requires MHCC to coordinate accessibility of electronic advance care planning documents in the State.

### **Federally Qualified Health Centers (FQHC) Environmental Scan**

An analysis of FQHC's response to a *Health IT Questionnaire* (questionnaire) is underway. The questionnaire was developed in collaboration with the Mid-Atlantic Association for Community Health Centers. Approximately 98 percent of FQHC delivery sites in the State responded to the questionnaire inquiring about their use of health IT; findings will inform education and awareness initiatives. A summary of FQHC social determinants of health data stored in electronic health records (EHRs) is targeted for release in December.

### **Long Term Care Health IT Questionnaire**

Data analysis of nursing homes' response to the *Health IT Questionnaire* (questionnaire) is advancing. Key questionnaire categories include EHRs, telehealth, social determinants of health, and cybersecurity. About 99 percent of nursing homes responded to the questionnaire. Findings help identify emerging health IT trends and related policy matters that inform diffusion strategies.

### **Breaches**

A spotlight was finalized overviewing findings from an analysis of health care data breaches locally and nationally affecting 500 or more individuals for the period of 2018-2021. Data was obtained from the U.S. Department of Health and Human Services, Office for Civil Rights. The spotlight is intended to build awareness of the cyber threat landscape and best practices for safeguarding electronic patient information.

### **Electronic Data Interchange**

Drafting of a findings summary from the 2022 Electronic Data Interchange (EDI) Progress Report (report) continues. COMAR 10.25.09, *Requirements for Payers to Designate Electronic Health Networks*, requires

payers with annual premiums exceeding \$1 million in Maryland to annually submit a census report on HIPAA administrative transactions. A findings summary is targeted for release in December.

### **Cybersecurity**

The *Cybersecurity Preparedness Self-Assessment Questionnaire* (questionnaire) was tested with providers from select practices and FQHCs. The questionnaire includes questions from the National Institute of Standards and Technology Cybersecurity Framework and is designed to assist providers with evolving cybersecurity practices. The questionnaire is targeted for release in November.

### **Privacy and Security Regulations**

A review of proposed changes to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information* (regulations) is proceeding. Post & Schell, P.C. (contractor) was competitively selected to propose changes that modernize the regulations and align them with the *21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification* program final rule. In September, the Board of Public Works approved a contract modification to allow the contractor to propose changes to the regulations to address certain requirements in State legislation passed by the Maryland General Assembly in 2021 and 2022.

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

### **Maryland Primary Care Program Advisory Council**

A meeting was convened with the Maryland Primary Care Program (MDPCP) Advisory Council (council) leadership to discuss 2023 council priorities. The MDPCP is a key initiative under the Total Cost of Care Model (TCOC) that provides funding and support for the delivery of advanced primary care. The council advises the Secretary of Health and MDPCP Program Management Office on potential enhancements to the operations and recommends changes to the program. The council is scheduled to convene in January.

### **Primary Care Workgroup**

Planning activities are underway to convene the Primary Care Workgroup (Workgroup) in November. 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, with special attention to increasing health care equity, and avoiding increased costs to patients and the health care system. Freedman HealthCare, LLC was competitively selected to provide consulting services to the Workgroup.

### **Practice Transformation Grant Activities**

Assessments are continuing by the grantee, MedChi Care Transformation Organization (CTO), for about 31 practices in the *Advancing Practice Transformation in Ambulatory Practices* (APT) program. The assessment was developed by the Centers for Medicare & Medicaid Services (CMS) to identify where practices are on the practice transformation continuum. About 30 practices completed the initial transformation training module and 4 completed the second. CMS' Transforming Clinical Practice Initiative practice transformation modules provide the foundation for the training. APT program awareness building is proceeding with the 2023 Episode Quality Improvement Program (EQIP) applicants. EQIP is a voluntary program under TCOC that provides financial incentives to select practices who improve the quality of care and reduce the cost of care they provide to Maryland Medicare beneficiaries.

### **Practice Roundtable**

Planning activities are progressing for a practice health equity symposium (symposium) targeted to occur during the first quarter of 2023. Potential focus areas include identifying social resources for patients, patterns of need in the community, and referrals for community-based organizations. The symposium agenda is anticipated to be finalized in December.

### **Electronic Health Networks**

Four electronic health networks (EHNs) renewed their MHCC certification in the third quarter. COMAR 10.25.07, *Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses*

require payers that accept electronic health care transactions originating in Maryland to accept transactions only from MHCC certified EHNs. EHNs seeking MHCC certification must meet national standards related to privacy and confidentiality, business practices, physical and human resources, technical performance, and security. Certification is valid for a two-year period; roughly 29 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. CMS Care Compare data was refreshed for nursing homes, home health and hospice facilities. Assisted living facility profile pages, including services available and patient characteristics, were refreshed using the CY2020 long term care survey data. OHCQ assisted living inspection surveys were updated through May 2022. New consumer and provider FAQ sheets addressing Residential Service Agencies were developed for the Additional Resources page. 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 higher in October (4,427 users) compared to August (4,023 users). This is likely a result of the media flight of 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

There were approximately 90 social media posts in October. Topics included Breast Cancer Awareness Month, National Healthcare Quality Week, International Infection Prevention 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.

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 December. Staff created a new video geared toward adult medical day care which is now being used on various media channels. Since the campaign began in February, the number of users to the site has increased significantly. Historically there are approximately 2,000 visitors to the site per month; since February there have been almost 53,000 visits to the site, or an average of approximately 6,000 users per month.

Power of Age Expo

The MHCC CQMR team attended the Power of Aging Expo at the Maryland State Fairgrounds in Timonium, MD on 10/27. This event was sponsored by the Baltimore County Department of Aging to showcase resources and products available to aging citizens. This is the largest event of its kind in the Mid-Atlantic region with over 11,000 attendees. MHCC staff operated a booth and talked to hundreds of attendees about information that is available on the MHCQR website.

## *Hospital Quality Initiatives – Courtney Carta*

### **Workplace Violence Public Awareness Campaign**

SB700 requires the Maryland Department of Health to develop a public awareness campaign and dissemination plan geared toward preventing workplace violence in healthcare settings. Dr. Blair Eig is Chair of the Workgroup and Theresa Lee is Vice Chair. The second meeting was held in late October and included a presentation and discussion of the draft communications plan. The final meeting will occur in mid-November with a goal to finalize the communication plan and recommendations.

## *Long Term Care and Health Plan Quality Initiatives—Stacy Howes*

### **Nursing Home Family Experience of Care Survey**

For the 2022 survey, the first letter inviting individuals to complete the survey has been mailed. The current contractor, Market Decisions Research, is in their final year of the current contract. A new RFP has been submitted to procurement.

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

Data collection for the 2022-2023 flu season is open for all long-term care facilities.

### **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 staff has procured consulting services to support this project. The contractor has been working with staff to gather deficiencies data, conduct interviews with interested parties, and to complete an environmental scan. Workgroup members have been identified, and the first meeting took place on October 31. A second meeting will be scheduled for early December.

### **Health Plan Quality Initiatives**

2021 data collection is complete and has been submitted to the website contractor. It will be available on the Quality Reporting website within the next month. A new contract has been initiated with HealthData Company, and the kickoff meeting for the 2022 data collection cycle is scheduled for November 14.

### **Collaboration with Center for Health Facilities and Planning**

Staff are actively assisting with the Palliative Care Workgroup and the Hospice Workgroup by providing information about quality measures and calculating a proposed methodology for determining quality.

## *Outpatient Quality Initiative—Mariama Gondo*

### **Outpatient Quality Initiative**

In August, staff launched the 2021 enhanced freestanding ambulatory surgical facility (FASF) survey. The FASF survey was administered to 347 facilities that were reported as operational in the calendar year 2021. To date 329 facilities have completed and submitted their survey. The survey officially closed October 7, 2022, but staff continue to follow up with facilities with missing surveys

### **Health Equity Initiative**

Staff continues to work on building the health equity inventory that stems from the work of the 2021 House Bill 309/Senate Bill 565. The inventory will be an interactive feature that allows consumers and consumer advocates to search by variables (jurisdictions, types of services, etc.) to find which services support vulnerable populations across the state.