

**MARYLAND HEALTH CARE COMMISSION**

***UPDATE OF ACTIVITIES***

**October 2024**

***EXECUTIVE DIRECTION***

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

**State Policy Update**

**Behavioral Health Workforce Assessment**

Work on the Mental Health Workforce Assessment is at the finish line. Our consultant, Trailhead Strategies is completing the report and the graphic design work. They received feedback after the briefing with leadership and incorporated this in the final draft of the report. They will do a presentation to the Commissioners at the October Commission meeting on the final findings and recommendations on the Behavioral Health Workforce Assessment study.

**Website Redesign**

BreakThrough (BT) Technologies is continuing their work on the redesign of MHCC website. They have completed the homepage of the website. They are working on incorporating some of the feedback provided to them regarding the homepage design. They have provided a staging environment that will allow IT staff to experiment and learn the mechanics on the formatting of the homepage and the interior pages of the website. The MHCC internal team working on the website redesign is reaching out to the Centers to discuss formatting of their current website page content and the new website page design.

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

**Health Information**

Herat, J., “*How data interoperability can transform patient care*,” American College of Health Data Management, October 3, 2024.

<https://www.healthdatamanagement.com/articles/how-data-interoperability-can-transform-patient-care>

Laviola, E., “*AI in Healthcare: How It’s Used and Future Use Cases*,” HealthTech, October 3, 2024

<https://healthtechmagazine.net/article/2024/10/ai-in-healthcare-how-its-used-future-perfcon>

**Health Insurance**

Maucione, S., “*Insurance plans offered in Maryland marketplace now available for preview*,”

<https://www.wypr.org/wypr-news/2024-10-01/insurance-plans-offered-in-maryland-marketplace-now-available-for-preview>

**Nursing Homes**

Press Release “*Lorien Assisted Living Names Victoria Rosier Executive Director of Lorien Harmony Hall*,” October 3, 2024

<https://i95business.com/releases/6501>

**Health Disparities**

Yelenik, M., "Health care grant aims to help underserved patients in Maryland," Capital News Service Oct 1, 2024

[https://www.dundalkeagle.com/news/health-care-grant-aims-to-help-underserved-patients-in-maryland/article\\_579237e2-7fdb-11ef-8def-f7ed2ac93dc4.html](https://www.dundalkeagle.com/news/health-care-grant-aims-to-help-underserved-patients-in-maryland/article_579237e2-7fdb-11ef-8def-f7ed2ac93dc4.html)

### Maryland Trauma Physician Services Fund

#### Uncompensated Care Processing

Luminare Health, our third-party administrator (TPA) for the Trauma Fund, processed **\$370,548.80** in uncompensated care claims for the month of September as shown in the chart below. All claims processing is on schedule.

#### On-Call Cost

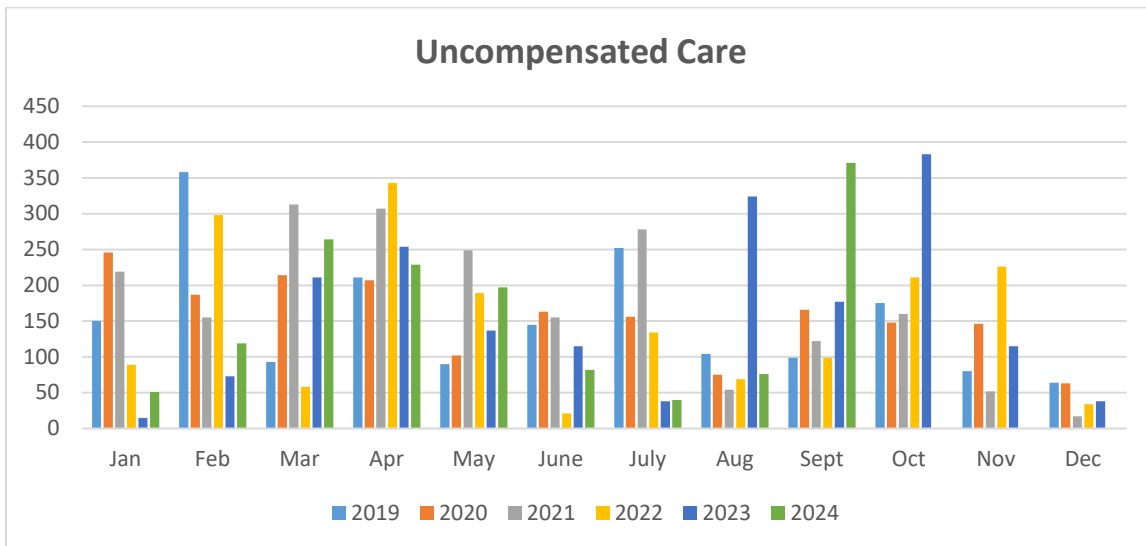
The Commission processed 10 eligible requests from trauma/specialty centers for reimbursement of On-Call Physician costs for the period January - June 2024. The 10 disbursements totaled **\$5,171,222.53**. All additional eligible requests will be processed through the end of October 2024 and the remaining centers have been notified.

#### Stand-by Cost

The Commission processed the Children's National Hospital application for Physicians Stand-by Cost. They were issued an annual stipend of \$900,000.

#### On the Horizon

Staff is currently working on the implementation of House Bill 1439 which expands the Trauma Fund for On-call, Stand-by and Uncompensated Care. Additionally, staff has been working to develop a web-based application to submit on-call hours from trauma centers for reimbursement. A web-based application will allow centers to submit information directly into an MHCC database to ease the submission process and keep information secure.



**MHCC Website:** The MHCC website (<https://MHCC.maryland.gov>) had 4,498 during the month of September 2024.

Maryland Quality Reporting

Maryland Quality Reporting had 1,572 total users in September, an 8.9% decrease from the previous month. The website also had a similar decrease in new users, sessions, and average session duration (a decrease of 9.9%, 8.9%, and 12.3%, respectively). Views per session remained consistent.

This month, the site received referrals of at least 15 users or more from Maryland 211(90 or 41.1%), Howard County Government (23 or 10.5%), and Maryland Attorney General (15 or 6.8%).

Facebook returned as the primary social media referral source.

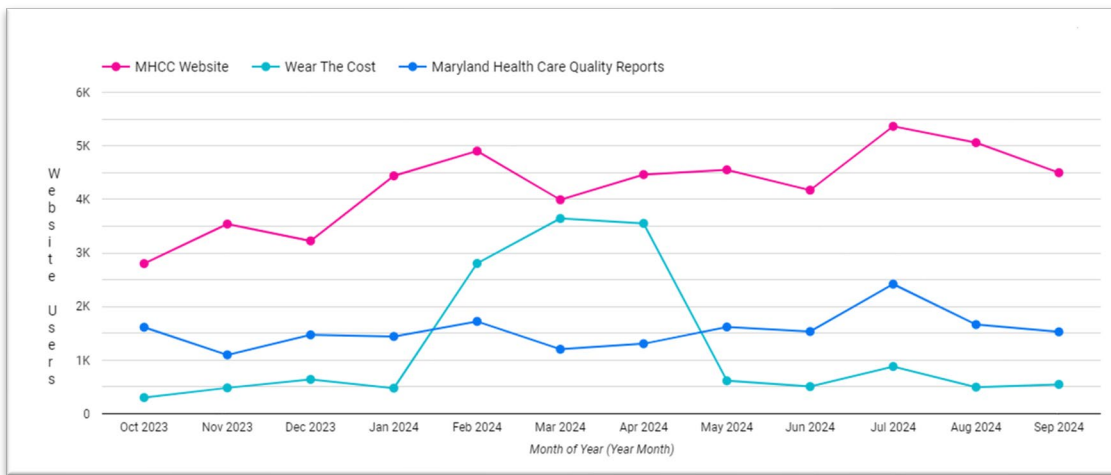


Figure 1 shows the number of website users over a 12-month period for each of the three websites maintained by Commission staff. Specific information about each website is listed above.

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

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

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

**Alternate Payment Method Data Submission**

CareFirst, Cigna, and Aetna have successfully submitted their 2022 and 2023 APM file data before the deadline of 09/30/2024. United Healthcare has requested a waiver as they do not have any APM arrangements in Maryland. MHCC staff, in collaboration with Freedman Healthcare (FHC), conducted a quality review and provided feedback to the reporting entities. Aetna's data passed all quality checks in the first submission, while Cigna's data passed all quality checks in the second submission. MHCC staff is currently working with CareFirst to obtain updated data, as the initially submitted data failed the quality checks.

Additionally, MHCC has received three responses to the survey aimed at gathering input from the provider community regarding the scope and terms of APMs offered by payors in the commercial market. MHCC staff, in collaboration with FHC, are diligently reviewing the survey results to determine the next steps.

### **APCD Public Reporting and Data Release – Mahlet ‘Mahi’ Konjit-Solomon**

No update this month.

### **Special Projects – Jason Caplan**

#### **State Mandated Benefit Studies Resulting from the 2024 Legislative Session:**

Background: Insurance Article §15-1501, Annotated Code of Maryland, requires that the Maryland Health Care Commission (MHCC) annually assess the medical, social, and financial impact of proposed mandated health insurance services that failed to pass during the preceding legislative session or as requested by a Legislator or Legislative Committee by July 1 of each year. After conducting a competitive bidding process, MHCC staff usually hire an actuarial consulting firm to conduct the study. The assessment reports are typically due to the General Assembly annually by December 31. This Insurance Article §15-1501 is there in practice to have MHCC assess such proposed mandates before considering the adoption of a new mandate for health insurance coverage if introduced in a subsequent legislative session.

MHCC received letters from the House Health and Government Operations Committee requesting assessments on the following legislations (Bills) that failed to pass during the 2024 legislative session of the Maryland General Assembly.

#### ***1. Elimination of Cost-Sharing for Genetic Testing***

This study is from the 2023 Legislative session and resulted from a letter from legislators.

MHCC staff contracted with Lewis and Ellis, an actuarial consulting firm, this mandate requires a study to evaluate gathering information to find the estimated cost of eliminating cost-sharing for genetic testing for inherited gene mutations for individuals with a personal or family history of cancer, and the follow-up, evidenced-based, screenings for individuals with an increased risk of cancer as recommended by clinical practice guidelines. Lewis and Ellis will present the findings of this study at the November Commissioner Meeting.

#### ***2. Coverage for Calcium Score Testing– HB1137***

MHCC staff contracted with Milliman, an actuarial consulting firm, to evaluate HB1137, which would have required carriers, as well as Medicaid, to cover calcium score testing for individuals who have at least three of the following four risk factors: (1) diabetes; (2) high blood pressure; (3) high cholesterol; or (4) a family history of premature coronary artery disease. Milliman will present the findings of this study at the November Commissioner Meeting.

#### ***3. HMO Payments to Non-Participating Providers Reimbursement Rate - HB570/SB487***

MHCC is conducting this study internally to evaluate HB570, which would have modified the methodology for calculating payment for nonparticipating providers rendering services to health maintenance organization (HMO) enrollees. Specifically, this bill would have required HMOs to pay the greater of:

- 125% of the average rate the HMO paid in 2019 adjusted for inflation or 140% of the Medicare rate as of 2008 adjusted for inflation for evaluation and management services; or
- 125% of the average rate the HMO paid in 2019 adjusted for inflation for non-evaluation and management services.

The legislature is specifically interested in (1) The contracted rate paid by HMOs and PPOs to participating and nonparticipating providers, by specialty, from 2019 through the second quarter of 2024 and an analysis of the different methodologies used for determining the rates. (2) For each rate identified above, the amount of the rate would be inflated by the change in the Medicare Economic Index from 2019 to the year for which the rate was calculated. (3) The impact of the No Surprises Act on nonparticipating provider rates; and (4) The number of in-network contracts between participating providers, by specialty, and insurers that were terminated since January 1, 2019, and, if available, whether the contracts were terminated by (1) the insurer or (2) the Provider. MHCC staff will present the findings at the December Commissioner Meeting.

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

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

**Certificates of Ongoing Performance**

The Commission approved a staff report for University of Maryland Baltimore Washington Medical Center’s Certificate of Ongoing Performance application for percutaneous coronary intervention services at the September Commission meeting (Docket No. 24-02-CP049).

**Cardiac Services Advisory Committee**

In preparation for an October 23, 2024 meeting of the Cardiac Services Advisory Committee, staff has been working on developing the agenda and researching key issues, including input on the cost-benefit analysis of allowing elective percutaneous coronary intervention services in ambulatory surgery centers (ASCs). Additionally, staff has also analyzed data from the American College of Cardiology’s National Cardiovascular Data Registry for CathPCI to assess the potential volume shift from hospitals to ASCs and requested informal feedback on the methodology.

***Long-Term Care Policy and Planning – Jeanne Marie Gawel***

**FY 2023 Long-Term Care Survey:**

The FY 2023 Maryland Long Term Care Survey for the Assisted Living facilities portion was due on September 5, 2024. 403 facilities participated, with a 96 percent acceptance rate. Assessment notices were sent to the providers that had not completed the survey by the due date, with a 10-day grace period that ended September 24, 2024. Staff provided technical support to providers during the data collection period.

***Health Planning and Certificate of Need - Jeanne Marie Gawel, Acting***

***Certificate of Need (CON)***

**Project Change After CON Approval**

**Chesapeake Eye Surgery Center, LLC (CESC) Docket No. 22-02-2461**

CESC requested a retroactive project change to increase the approved capital cost associated with the CON project based on costs which have already been incurred. CESC reported an increase in the total costs associated with the project from \$636,164 to \$1,175,358 which is a variance of \$539, 194 (85%). The increase will be paid for in cash. The request was approved at the September

### **First Use Approval**

#### **Chesapeake Eye Surgery Center, LLC (CESC) Docket No. 22-02-2461**

Chesapeake Eye Surgery Center, LLC (CESC) was awarded a Certificate of Need to add one sterile operating room (OR) to its existing center, resulting in three sterile ORs after project completion and thereby establishing an ambulatory surgical facility (ASF). The project renovated and converted an existing recovery room to an OR, and expanded the preoperative and postoperative area. It was determined that the project is complete and consistent with the terms of the April 20, 2023, Certificate of Need and the September 19, 2024, Modified Certificate of Need. The original total project cost was \$636,164 being paid in cash by the applicant. The total modified project cost is \$1,175,358. In the final quarterly project report filed September 10, 2024, CESC reported that its binding contract obligations were \$1,175,358.

#### **Encompass Health Rehabilitation Hospital of Southern Maryland, LLC Docket No. 22-16-2458**

Encompass Health Rehabilitation Hospital of Southern Maryland, LLC was awarded a Certificate of Need to add 10 beds to its previously established 60-bed special rehabilitation hospital in Bowie (Prince George's County), Maryland. The addition consists of 5,899 square feet of new construction including ten private patient rooms, a nursing unit, storage space, a day room and general circulation. It was determined that the project is complete and has complied with the terms of the October 20,2022, Certificate of Need. The total approved project cost is \$13,109,242. In the final quarterly project report filed September 20, 2024, Encompass reported that its binding contract obligations were \$12,266,054.

### **Determinations of Coverage**

- **Ambulatory Surgery Centers**

#### **Seidenberg Protzko Surgery Center, LLC, d/b/a Mid-Atlantic Surgery Pavilion (MASP). (Harford County)**

A change in ownership of an ASC-1, with one sterile operating room (OR) and two non-sterile procedure rooms located at 1111 Beards Hill Road, Suite 700 in Aberdeen, Maryland.

Current owners are inserting an 80 percent ownership share to a new holding company, PRISM ASC, LLC.

#### **Innovations Surgery Center (Montgomery County)**

Innovations Surgery Center which consists of one (1) operating room located at 3206 Tower Oaks Boulevard, Suite 100 in Rockville, Maryland 20852 had a 100 % change in ownership. The owner was Dr. Paul J. MacKoul, and the new owner is Dr. Natalya Danilyants. The new owner has affirmed that all other aspects of the previous determination issued on November 17, 2023 remain unchanged.

#### **Capital Orthopaedic Surgery Center (Montgomery County)**

Capital Orthopaedic Surgery Center located at 20680 Seneca Meadows Pkwy, Suite 200 in Germantown, Maryland has two sterile operating rooms notified the Commission of the proposed addition of a non-sterile procedure room to its ambulatory surgery center.

#### **Fem-Care Surgery Center, LLC (Baltimore County)**

Fem-Care Surgery Center located at 1212 York Road, Suite A101 in Lutherville, Maryland will have a change in ownership and add one new procedure (vasectomy) to the ASC-P. The current 100% owner is Sheo Sharma and the new owners will be Thy Nguyen and David Chang, with 50 percent each.

Surgical Center of Greater Annapolis, Inc. (Anne Arundel County)

Change in ownership of the existing ASC-1 located at 83 Church Road in Arnold, Maryland with one sterile operating room and one non-sterile procedure room. The change of ownership:

**The previous ownership percentage as of 12/20/2016 was:**

John M. Avallone, MD 25.24%

Samuel T. Boles, MD 25.24%

August C. Pasquale, III, MD 25.24%

Steven H. Sherman, MD 24.28%

**The new percentage of ownership as of 7/10/2024 is:**

Dr. Samuel Boles 33.33%

Dr. August Pasquale 33.33%

Dr. John Avallone 33.34%

ASC Development Company, LLC (ASCDC) (Frederick County)

Change in ownership of ASCD (ASC-P) located at 75 Thomas Johnson Drive, Suite C Frederick, Maryland. The ASC will become 100 percent owned by a new holding company NSPC Surgery Center of Frederick, LLC. ASCDC will own a 65 percent interest in NSPC Surgery Center of Frederick, LLC and Anish Patel, M.D. will own a 35 percent interest in NSPC Surgery Center of Frederick, LLC. Dr. Patel will remain the sole practitioner at the ASC. As a result of these changes, ASCDC will retain a majority interest (65%) in the ASC and Dr. Patel will have a minority interest (35%) in the ASC.

- **Licensure**

- **Disposition of Temporarily Delicensed Bed Capacity or a Health Care Facility**

- Larkin Chase Center (Prince George's County)

- Larkin Chase Center notified the Commission that, pursuant to COMAR 10.24.01.03D they intend to relicense 120 comprehensive care facility (CCF) beds for which the Commission had originally authorized temporary delicensure effective June 14, 2022, for one year. On June 7, 2023, the facility was granted an additional extension until December 2024. The relicensure will be effective November 15, 2024.

- **Waiver Beds**

- The Lutheran Village at Miller's Grant, Inc. (Howard County)

- The Lutheran Village at Miller's Grant located at 9000 Fathers Legacy, Ellicott City, Maryland 21042 is planning on expanding its campus by adding 6 comprehensive care facility (CCF) beds to its current 12 bed facility, totaling 18 beds. The request is pursuant to COMAR 10.24.01.03K which allows a CCRC with less than 300 beds to develop a CCF with up to 24 percent of the number of independent living units without a CON.

- **Other**

- Fresenius Medical Care Essex Dundalk, LLC d/b/a Fresenius Medical Care Dundalk (Baltimore County)

- Request for a Determination of Non-Coverage for a planned freestanding kidney dialysis center pursuant to COMAR 10.05.04.01. A "Kidney dialysis center means a facility that provides hemodialysis or chronic peritoneal dialysis." The Commission does not require a kidney dialysis center to obtain a CON nor are they subject to CON approval.

Advanced Radiology (Baltimore County, Howard County, and Charles County)

Requested a Determination of Non-Coverage for three outpatient imaging centers located at 3700 Fleet Street, Suite 110, Baltimore MD 21224, 8820 Columbia 100 Parkway, Suite 100, Columbia, MD 21045, and 10400 O'Donnell Place Waldorf MD 20603. Outpatient imaging services are not considered a "medical service" under Health-General §19-120 and Advanced Radiology is not considered a "health care facility" within Health- General §19-114 and does not require a CON or any other Commission approval.

CommuniCare Forestville Docket No. 22-16-EX014 (Prince George's County)

CommuniCare Forestville requested a six (6) month extension to its first performance requirement which requires obligation of no less than 51 percent of the approved capital expenditures by October 20, 2024. The new deadline for the performance report is April 20, 2025.

Barlow Imaging Center (Montgomery County)

Requested a Determination of Non-Coverage of Certificate of Need (CON) requirements for an imaging center, Barlow Imaging Center, located at Suite 1700, 5454 Wisconsin Avenue in Bethesda, Maryland. Imaging is not considered a "medical service" under Health General §19-120 and Barlow Imaging Center is not considered a "health care facility" within Health General §19-114. Therefore, the above imaging facility does not require a CON or any other Commission approval.

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

Williamsport Health and Rehabilitation Center (Washington County)

**CURRENT**

Owner of the real property: Brooke Grove Foundation, Inc.  
Owner of bed rights: Brooke Grove Foundation, Inc.  
Operator: Brooke Grove Foundation, Inc.

**POST-TRANSACTION**

Owner of the real property: 154 N. Artizan Street LLC  
Owner of bed rights: 154 N. Artizan Street LLC  
Operator: Williamsport Operator LLC (  
Purchase price: \$20,000,000

**Additional Information**

Williamsport Health and Rehabilitation Center (Williamsport) is a 128-bed CCF located at 154 N. Artizan Street in Williamsport, Maryland (Washington County). There are no beds at the facility with more than two residents per room. The facility currently has an average of 1 out of 5-star rating on the CMS Nursing Home Compare website. The facility has a Medicaid Memorandum of Understanding (MOU) of 45.3 percent. The threshold in Washington County is also 45.3 percent. The facility is currently achieving 55 percent; thus, it would meet and exceed both the MOU and the county threshold. The anticipated closing date of the transaction is October 1, 2024.

The acquiring entities for the real property/bed rights and operatorship share the same owners. 154 N Artizan Street LLC will acquire the real property and bed rights. Williamsport Property Holdings LLC (Propco) owns 100 percent of 154 N Artizan Street LLC. Williamsport Property Holdings LLCs is owned evenly by three entities: IB Williamsport LLC (33.3%), MN Williamsport LLC (33.3%), and JK Williamsport LLC (33.3%). The Opco will lease to Avrohom Kohn via a lease agreement to operate the facility.

The operator of the facility Avrohom Kohn has ownership interest in four other CCFs in Maryland within the last three years. Staff notes that three of the four (75%) of reporting facilities have a below average rating (composite score of less than 3 stars out of five) in the CMS Nursing Home Compare Five-Star Quality Rating System.

The acquiring entities attest that the related facilities hold quality assurance meetings quarterly in January, April, July and October. In addition, Commission staff reviewed the most recent annual inspection reports and the subsequent plans of correction for the four affiliated facilities. In 2024 the national average number of nursing home deficiencies is 9.5. Of the four facilities reported in the analysis, three (75%) were above the average number of national deficiencies (lower scores are better for this measure). There were multiple facilities with immediate jeopardy citations within the last three years.

## **Lawsuits**

The acquiring entities provided numerous lawsuits related to negligence for each related nursing home. In addition, the acquiring entities attested that none of the purchaser's principals — i.e., any owner<sup>1</sup> or former owner, member of senior management or management organization, or current or former owner or senior manager of any related or affiliated entities during the past ten years – has:

- been convicted of felony or crime;
- pleaded guilty, nolo contendere, or entered a best interest plea of guilty;
- received a diversionary disposition regarding a felony or crime that relates to the ownership or management of a health care facility;
- or has paid a civil penalty in excess of \$10 million dollars

In accordance with Health- General §19-1401.2, before taking any action on a license, the Secretary must consider any findings and recommendations of the Maryland Health Care Commission to the Office of Health Care Quality under Health- General §19-115.

In summary of the findings, Commission staff concludes that due to 75 percent of the related facilities below average (below three stars) score the acquiring entities would probably not meet the requirements for docketing a CON application to establish or expand a CCF under the State Health Plan Quality Rating standard [COMAR10.24.20.05A (8)]. In addition, 75 percent of the related facilities had an equal or higher number of citations than the national average of 9.5 percent. Multiple facilities received immediate jeopardy tags for resident health and safety. Lastly, one of the four facilities Elkton Nursing and Rehabilitation Center is currently a candidate to become a Special Focus Facility with CMS.

Based on its limited review, Commission staff has identified some concern with the performance of the related facilities. Commission staff recommends that OHCQ consider this information in its licensing decision.

### Snow Hill Nursing and Rehabilitation Center (Worcester County)

Transaction: Acquisition of Assets

Snow Hill Nursing and Rehabilitation Center

#### **CURRENT**

Owner of the real property: Harrison Enterprises

Owner of bed rights: Snow Hill Nursing and Rehabilitation Center, LLC

Operator: Snow Hill Nursing and Rehabilitation Center, LLC

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<sup>1</sup> The definition of owner or operator is an entity that owns at least 5% and is the owner of the real property and improvements; the owner of the bed rights; or the operator of the facility.

**POST-TRANSACTION**

Owner of the real property: Snow Hill SNF Realty, LLC.

Owner of bed rights: Snow Hill SNF Operations, LLC

Operator: Snow Hill SNF Operations, LLC

Purchase price: \$9,280,000

Additional information:

Snow Hill Nursing and Rehabilitation Center is a 69-bed CCF located at 430 W. Market Street, Snow Hill, Maryland (Worcester County). There are no beds at the facility with more than two residents per room. The facility currently has an average of 3 out of 5-star rating on the CMS Nursing Home Compare website. The facility has no Memorandum of Understanding (MOU) with Medicaid. The anticipated closing date of the transaction is October 1, 2024. The acquiring entity's majority owners are Yisroel Herzka (21.25%), Chava Wolofsky (21.25%), Susan Strauss Family 2022 Trust (24.5%) and Moses Strauss Family 2022 Trust (24.5%). The acquiring entity's majority owners are affiliated with 110 CCFs, none of which are located in Maryland.

Staff notes that 51 of the facilities related to the acquiring entity have a below average rating (composite score of 2 stars or below out of five) in the CMS Nursing Home Compare Five-Star Quality Rating System, with 33 facilities receiving only 1 star. Additionally, 13 of the facilities have been cited for abuse.

The acquiring entity has provided evidence that the existing facilities have maintained quality assessment and assurance committees that meet at least quarterly. Commission staff also reviewed the most recent annual inspection reports and the subsequent plans of correction for the last three years. In 2024 the average number of nursing home deficiencies is 9.5. Of the 110 facilities in the analysis, 60 or 54.5 percent were below the 9.5 threshold (lower scores are better for this measure).

The Commission staff concludes that the acquiring entity would probably not meet the requirements for docketing a CON application to establish or expand a CCF under the State Health Plan Quality Rating standard [COMAR10.24.20.05A (8)]. Commission staff recommends that OHCQ consider the above information in its licensing decision.

Creekside Center for Rehabilitation and Nursing (review in progress) (Washington County)

Creekside Center for Rehabilitation and Nursing (Creekside) is an 80-bed CCF located at 1183 Luther Drive in Hagerstown, Maryland (Washington County). There are no beds at the facility with more than two residents per room. The facility currently has an average of 1 out of 5-star rating on the CMS Nursing Home Compare website. The anticipated closing date of the transaction is November 1, 2024. There are no changes to the real property, bed rights or operator ownership however the individual who is the sole owner and member of the current operator (Abraham Smilow) will convey his full interest (100%) to a new individual (Matt Weisz). The transaction is described below:

**CURRENT**

**Owner of the real property: 1183 Luther Drive LLC**

**Owner of bed rights: 1183 Luther Drive LLC**

**Operator: Creekside SNF Operating Company LLC**

**POST-TRANSACTION**

**Owner of the real property: 1183 Luther Drive LLC**

**Owner of bed rights: 1183 Luther Drive LLC**

**Operator: Creekside SNF Operating Company LLC**

**Purchase price: \$0**

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

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

**Telehealth Studies**

Draft telehealth coverage and reimbursement recommendations were vetted with stakeholders. Chapter 382 (SB 534), *Preserve Telehealth Access Act of 2023*, and Chapter 291 (HB 1148), *Behavioral Health Care – Treatment and Access*, requires MHCC to study and make recommendations regarding the delivery of somatic and behavioral health services through audiovisual and audio-only telehealth technologies. SB 534 examined the cost and clinical intensity of services provided in person and via telehealth, while HB 1148 compared reimbursement rates as a percentage of the Medicare Physician Fee Schedule. Milliman, Inc. was competitively selected to support the study. A report is due to the General Assembly by December 1, 2024.

**Prior Authorization Study**

Drafting of the report required by Chapters 847/848 (HB 932/SB 791), *Health Insurance – Utilization Review – Revisions (2024)* has concluded. The law requires MHCC to study the development of standards for the implementation of payer programs to modify prior authorization requirements for prescription drugs, medical care, and other health care services. Lewis & Ellis was competitively selected to support the study. A report is due to the General Assembly by December 1, 2024.

**Hospital Health IT Survey**

Data collection is proceeding for the *Annual Hospital Health IT Survey* (survey) that was distributed in September to 42 acute care hospitals. A review of the nearly 61 percent of responses is underway. The survey centers on electronic health records (EHRs), health information exchange (HIE), telehealth, and artificial intelligence. Several questions inquire about health-related social needs data collection and documenting electronic advance directives in the EHR. Findings inform initiatives aimed at expanding diffusion of health information technology.

**Regulations**

Proposed amendments to COMAR 10.25.07, *Certification of Electronic Health Networks and Medical Care Electronic Claims Clearinghouses* and COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information* (regulations) were drafted. The amendments include provisions for CRISP to develop a consumer consent management application; specifications for EHNs to submit certain electronic administrative transactions to CRISP; dispenser reporting of non-CDS dispensed information to CRISP; and the implementation of a health data utility operated by CRISP for treatment and care coordination, public health interventions, and health equity.

**Legally Protected Health Information**

Follow up activities are taking place with EHNs and HIEs (vendors) regarding the implementation of requirements in COMAR 10.25.07 and 10.25.18 for legally protected health information (LPHI). Vendors were notified that COMAR 10.11.08, *Abortion Care Disclosure*, was published in the Maryland Register with a September 16, 2024, effective date. The Maryland Department of Health regulations outline codes that vendors must block when exchanging electronic health information to ensure protections for LPHI, as required by Chapter 249 (HB 812), *Health Reproductive Health Services – Protected Information and Insurance Requirements (2023)*.

### **Electronic Data Interchange**

Summary tables highlighting findings from payers 2023 Electronic Data Interchange Progress Report were developed. COMAR 10.25.09, *Requirements for Payers to Designate Electronic Health Networks*, requires payers with premiums of \$1 million or more to annually report census-level data on electronic health care transactions. A findings summary is targeted for release in November.

### **Non-CDS Prescription Drugs**

The Draft Noncontrolled Prescription Drugs Dispenser Data Submission Manual (manual) was released to stakeholders for informal comments. The manual was developed with input from dispensers and CRISP's technology vendor, Leap Orbit. The manual includes technical guidance on the format, method, and frequency of submitting information on non-CDS dispenses to CRISP. Chapter 296 (HB 1127), *Public Health – State Designated Exchange – Health Data Utility (2022)* requires non-CDS reporting to CRISP; reporting is targeted to begin in Q3 2025.

### **Active Physicians**

An assessment of licensed physicians was completed using data from the Maryland Board of Physicians and National Plan and Provider Enumeration System. The review identified active physicians, specialties, practice information, and jurisdictions, among other things. The information will inform various health IT and innovative care delivery initiatives.

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

### **EHN/HIE Recognition – Q3 2024 Update**

Three EHNs were recertified as required by COMAR 10.25.07. The regulations require payers operating in the State to accept transactions only from MHCC certified EHNs. Certified EHNs are accredited or certified by a nationally recognized organization where standards related to privacy and confidentiality, business practices, physical and human resources, technical performance, and security are evaluated. Approximately 29 MHCC certified EHNs operate in Maryland. Thirteen HIE registrations were renewed, and three new registration applications were approved. Two new registration applications are pending; determinations are expected by December. COMAR 10.25.18 requires HIEs operating in Maryland to register with MHCC; 17 HIEs are currently registered.

### **Primary Care Investment Workgroup**

Drafting of the 2024 Primary Care Investment Analysis and Recommendations Report was completed. Chapter 667 (SB 734), *Maryland Health Care Commission – Primary Care Report and Workgroup, (2022)* requires MHCC to conduct an annual analysis of primary care and make recommendations on the level of primary care investment relative to overall health care spending. The report includes recommendations to strengthen Maryland's primary care system. The report is due to the General Assembly by December 1, 2024.

### **Practice Transformation Grant**

Ambulatory practice recruitment continues for the 2024 Advancing Practice Transformation in Ambulatory Practices Program (program). The program aligns with CMS's Transforming Clinical Practice Initiative milestones, and about 20 practices are expected to submit applications. The program prepares practices to participate in value-based care models. MedChi, The Maryland State Medical Society, Care Transformation Organization received an MHCC grant in 2021 to support this initiative.

### **Learning Network**

Planning is advancing for an October learning event centered on accessing and utilizing CRISP data to improve clinical care. Presenters include CRISP's Public Health Modernization Executive Director and two practices. The presenters will share best practices for leveraging data to enhance care delivery and manage chronic conditions. An application for attendees to receive continuing medical education credits has been submitted. Planning has also begun for a Q4 learning event focused on advancing care delivery through continuous quality improvement.

## ***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 [Maryland Quality Reporting](#) consumer site. Nursing Home profile pages have been updated with the most recent data released for the CMS Care Compare refreshes. Nursing home updates include long and short stay quality measure scores and star ratings, staffing times and star rating, health, fire and safety inspection results and star ratings, and the overall star rating. An updated assisted living directory with over 1,700 facilities has been uploaded. Additional enhancements and updated features are underway and routine updates and maintenance are ongoing. Staff continue to respond to consumer inquiries and requests for printed material 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 September (1,567 users) compared to August (1,724 users). The most frequently viewed topics on the MQR site include assisted living, nursing homes, and the long-term care planning toolkit. 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 September. Topics included National Assisted Living Week, National Recovery 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.

#### **CQMR in the Community**

Staff were invited to present an overview of the Maryland Quality Reporting website and available resources to the Annapolis Rotary Club. These community events provide a unique opportunity to not only promote and discuss the quality website with community members, but also share with and learn from other organizations committed to improving the lives of Maryland residents. Many thanks to Commissioner Wood for facilitating!

### **Hospital Quality Initiatives – Courtney Carta**

#### **HB1051 Maternal Health – Assessment, Referrals, and Reporting**

Under HB 1051 the Health Secretary, in collaboration with the MHCC, must develop a Maryland report card for birthing facilities (hospitals and freestanding birthing centers) and collect the necessary information to complete an annual report card for each birthing facility in the state. Staff are working closely with MDH and other stakeholders to support this effort and continue to provide quality measurement expertise.

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

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

Data collection for the 2024 survey year has begun. All nursing homes have submitted their resident/loved one lists so that the contractor can begin contacting loved ones about the survey process. There are 218 eligible nursing homes for the 2024 survey year. The first round of surveys will be emailed and mailed to the loved ones of nursing home residents by the end of October.

Staff presented the results of the 2023 Nursing Home Family Experience of Care Survey to the Medicaid Advisory Committee on September 26, 2024. The presentation was well-received, and the audience was interested in the findings regarding the association between nursing home ownership type and satisfaction with care.

### **Hospice Utilization Rates**

Annually, the Center for Health Facilities and Planning collects data from hospices via the Annual Hospice Survey. The Center for Quality Measurement and Reporting analyzes the data, creates charts and graphs, examines trends, and produces the Hospice Utilization Report. The report for fiscal year 2022 is complete and included in the commission meeting packet.

### **Long Term Care Healthcare Worker Influenza Vaccination Surveys**

The flu season has officially begun as of October 1, 2024. All long term care facilities (nursing homes, assisted living facilities, home health agencies, and hospices) have been notified to begin collecting data for the 2024-2025 flu season.

### **Health Plan Quality Initiatives**

The contractor, HealthcareData Company, anticipates data collection to be completed by the end of the week on October 11. Then, they will begin data analysis and calculation of performance metrics for the 2023 year. The next step will be to identify areas of additional investigation to support the Commission's dedication to advancing health equity.

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

### **Freestanding Ambulatory Surgery Facility Survey**

The annual Freestanding Ambulatory Surgery Facility (FASF) Survey period closed on September 3, 2024. Staff are preparing and processing the data for public reporting later this fall.

### **Health Equity Inventory**

In response to House Bill 309/Senate Bill 565, the Commission developed and maintains an inventory of MDH programs designed to serve vulnerable and underserved populations. The health equity inventory has been updated to reflect the most current programs and is available on the Maryland Quality Reporting website [here](#).