



## The Delaware Health Care Commission Meeting

April 4, 2019 - 9 a.m. to 11:00 a.m.

### **Meeting Attendance and Minutes**

**Commission Members Present:** Dr. Nancy Fan (Chair), Theodore W. Becker (Mayor of Lewes), Robert Dunleavy (DSCYTF), Dr. Jan Lee (DHIN), Molly Magarik (DHSS), Trinidad Navarro (DOI), Dr. Edmondo Robinson (CCHS), Dennis Rochford (Maritime Exchange for DE River & Bay), and David Roose (DOF)

**Commission Members Absent:** Secretary Rick Geisenberger (DOF), Richard Heffron, Dr. Kathleen Matt (UD), and Dr. Kara Odom Walker (DHSS)

**Meeting Facilitator:** Dr. Nancy Fan (Chair)

**Health Care Commission Staff:** Elisabeth Scheneman (Executive Director) and La Ronda Moore (Executive Program Assistant)

### **CALL TO ORDER**

Dr. Fan called the meeting to order at approximately 9:00 a.m.

### **Meeting Minutes Approval – March 7, 2019**

The meeting convened at approximately 9:00 a.m. at the Del Tech Terry Campus in the Corporate Training Center located at 100 Campus Drive, Dover, Delaware. Dr. Fan welcomed all who were in attendance and requested that the commissioners review the draft minutes from the meeting held on March 7, 2019. Dr. Robinson requested to make a point of clarification on page 4 of the meeting minutes in the section, “Primary Care Physicians in Delaware 2018” Report. There were two suggestions he made that were not necessarily agreed upon or voted on by the Commission. The two recommendations were: 1) that the location of the practice be required as part of the survey and 2) that the survey itself to part of licensure. Dr. Fan responded that these recommendations are being taken into consideration and the Division of Professional Regulation (DPR) has been contacted. An update will be provided when DPR comes back with a protocol.

Dr. Fan motioned for the meeting minutes to be approved. All commissioners present were in favor. Motion carried. View the approved March 7, 2019, meeting minutes here:

[https://publicmeetings.delaware.gov/Document/60995\\_Minutes-Final.pdf](https://publicmeetings.delaware.gov/Document/60995_Minutes-Final.pdf)

## **BOARD BUSINESS**

### Letter of support policy

The commissioners continued their discussion from the previous meeting (March 7, 2019) regarding how to best process requests from stakeholders and various non-state organizations requesting a letter of support. A proposed general letter template and policy was shared with the commissioners. Dr. Robinson requested more time to review and to receive the meeting materials earlier. Dr. Fan proposed the commissioners take additional time to review and discuss at the next meeting. For the next discussion items to consider: Is there anything specific in the standard requirements that should be included or excluded? Are there certain items the Commission should steer clear of as a Commission?

Dr. Lee asked about the frequency of requests. Elisabeth Scheneman shared it varies – not monthly, perhaps a few requests in a quarter. Dr. Lee suggested if the request is for a grant application and the purpose of the grant aligns with the mission of the Commission, that could be standard approval for a request assuming it does not require funding. Elisabeth shared most requests do not ask for funding support and are more general – asking for support of a grant application. Some requests are quick turnarounds and if all requests would come to the board for approval, it could cause the letter to be delayed or not sent. Dr. Lee agreed a template could be useful if the request met standard conditions. Elisabeth shared the proposed letter template was kept very general so it could be tweaked to match the HCC’s mission statement, roles, and responsibilities. Molly Magarik added an item of concern is if the request included any staffing requirements on the state part. It was generally agreed that all requests seeking funding and/or had some sort of staffing requirement, should come before the Commission for review. Elisabeth added when any letter is sent to an organization, a courtesy copy could be provided to the commissioners. At the May meeting, Dr. Fan asked that the Commission vote on the template and policy.

## **POLICY DEVELOPMENT**

### Delaware Department of Health and Social Services Legislative and Policy Update

Dr. Fan introduced Molly Magarik, Deputy Secretary with the Delaware Department of Health and Social Services, to present a policy and legislative update. In January 2019, Delaware embarked on the 150th session of the Delaware General Assembly. Molly shared there are many new legislators with lots of energy and interest around health care topics. Many new legislators indicated they heard about health care topics on the campaign trail. Legislators have made commitments to constituents and continue to hear about health care costs and access.

The legislative and policy presentation can be found here:

[https://dhss.delaware.gov/dhss/dhcc/files/dhsslegupdt\\_040419.pptx](https://dhss.delaware.gov/dhss/dhcc/files/dhsslegupdt_040419.pptx)

Highlights include:

- SS1 for SB 25 commonly referred to as “Tobacco 21.” There has been swift movement, and the bill is moving to House Appropriations. Legislation includes vaping products. DHSS is fully supportive of the legislation.
- HB 91, this Act updates the definition of hospital, raises the fees associated with hospital licensing, and imposes an additional fee for plan reviews prior to construction or renovation of hospitals. HB 91 will update the Delaware Code to have fees match the work that is being done

by DHSS' survey teams. This has been a collaborative process with Delaware stakeholders and DHSS.

- HB 58, expands the section of Delaware Code by increasing the number of Delaware nursing students eligible for the nursing incentive program by allowing Delawareans pursuing nursing careers at non-profit hospitals located in Delaware to be eligible for the program. There is some concern from DHSS regarding how this might potentially affect DHSS facilities, although the Department knows nursing shortages is a statewide issue and the larger goal of increasing the number of nurses working in Delaware is appropriate.
- HB 24, Prohibits insurers and pharmacy benefit managers from engaging in the practice of "clawbacks." This legislation is an attempt by legislators to address pharmaceutical pricing and make sure consumers are not unfairly impacted and stop overpayments for prescriptions.
- Update on the Affordable Care Act – Delaware is one of the 17 states appealing the Texas judge's ruling.
- Update on Title X – Delaware has joined 21 other states and the District of Columbia in a lawsuit over the policy changes announced in a recent U.S. Department of Health and Human Services rule change. The rule would withhold federal funding from family planning sites that provide abortion services or referrals.

The commissioners engaged in some discussion following Molly's presentation. Dr. Fan inquired about the status of the 1332 waiver to set-up a reinsurance program. Molly shared the consensus was to set-up a potential 1332 waiver application. The General Assembly passed a resolution for the work to move forward. The State is currently looking at what type of federal pass through dollars the State could expect to receive and what potential reinsurance program parameters would be appropriate. Commissioner Navarro shared it could cost between 8 and 12 million dollars (possibly through the HIT tax), will require legislation, and hiring additional staff.

#### Public Comment:

There was a conversation around the Marketplace and how a Medicaid Buy-In option effect the Marketplace. It was also asked if DHSS was taking a position on the Step Therapy Bill, HB 105. At this point, the bill is relatively a new introduction and DHSS is working with Medicaid and other areas of the Department to be understand.

Commissioner Navarro highlighted SB 35 will codify some of the provisions of the Affordable Care Act into law. There is also a Pharmacy Benefit Manager (PBM) that is looking at licensing PBMs to review their financials. Dr. Robinson shared there is a new generic pharmaceuticals company started by a group of health systems to address the rising cost of pharmaceuticals, Civica Rx. For more information, <https://civicarx.org/>. More than 120 health organizations representing about a third of the nation's hospitals have contacted Civica Rx and expressed a commitment or interest in participating with the new company. Christiana Care Health System has signed on to be a partner.

## UPDATES

### Bayhealth Residency Program

The Bayhealth Residency Program was the next presentation by Dr. Gary Siegelman, Senior Vice President and Chief Medical Officer with Bayhealth. He provided a brief background on Bayhealth, the

benefits of Graduate Medical Education (GME) including workforce development design, and shared information about Bayhealth's residency program design and specialties, including progress to date.

Dr. Siegelman's presentation:

[https://dhss.delaware.gov/dhss/dhcc/files/bayhlthpresentation\\_040419.pptx](https://dhss.delaware.gov/dhss/dhcc/files/bayhlthpresentation_040419.pptx)

Residency programs have an impact on access to care for all patients, particularly for underserved and high-need high-risk populations. Planned Accreditation Council GME Residency programs beginning in July 2021 at Bayhealth will include Internal Medicine and Family Medicine. In the beginning of 2022 and in 2023, Emergency Medicine, Surgery, and Transitional year will be added.

Public Comment:

From Westside Family Healthcare, it was shared that they are very proud of the work Bayhealth is doing to bring residency training programs to Kent and Sussex counties.

Dr. Fan commented the Residency program dovetails very well into the conversation about developing a "state" loan repayment program and physician retention in Delaware.

## **POLICY DEVELOPMENT**

### Delaware Health Information Network Update and Health Care Claims Database Demonstration

Dr. Fan introduced Commissioner Dr. Jan Lee, the Chief Executive Officer for the Delaware Health Information Network (DHIN) to present an update on DHIN. DHIN is currently slightly halfway through a strategic five-year plan. DHIN worked with Gartner Consulting and it was recommended modernizing DHIN's technology stack. DHIN has 20 different service lines now. Current major DHIN initiatives include: operationalizing the ITIL framework of IT Service Management best practices, technology refresh and modernization, and the implementation of the Health Care Claims Database (HCCD). Freedman Healthcare is working very closely with DHIN on the HCCD implementation. For the technology refresh, DHIN has been partnering with MedicaSoft. The three guiding principles for the technology refresh are modularity, flexibility, and cost management.

HCCD Update: The HCCD is a database that collects healthcare claims, enrollment, and provider data from Medicare, Medicaid, and the seven largest commercial health insurers in the state. Data collection in the original statute required Medicaid fee for service and managed care organizations, State Employee Benefits plans, qualified health plans on the Marketplace, and Medicare data were mandatory reporting entities. Almost all are in the database available for analytics with the exceptions:

- Medicare data has been received – it is being ingested and staged right now (not yet available for analytics, but in process)
- Humana is in process. Had to resubmit data because of data quality issues which is totally normal and happens when a claims database is stood up. Human has resubmitted and validation is in process.
- United, Cigna and DMMA also working on data resubmissions

The HCCD was initiated with grant funding, the grant has ended, and the State has appropriate 2 million dollars to keep the ball rolling. DHIN is working closely with DHSS to receive Federal matching funds

that would extend the 2 million dollars from the State. By early June, DHIN should know if they will receive Federal matching.

Dr. Lee introduced Terry Lynn Palmer, the Director of DHIN Analytics. Terry shared several reports to illustrate the types of questions that can be brought to the data. The “Delaware Health Care Claims Database: A Status Report” dated March 20, 2019, was shared with the commissioners and attendees.

The commissioners discussed self-insured employers and large employers in the State reporting data. Including their data could be useful to benefit design, developing employee wellness plans, etc.

The DHIN and HCCD presentation:

[https://dhss.delaware.gov/dhss/dhcc/files/dhinpresentation\\_040419.pptx](https://dhss.delaware.gov/dhss/dhcc/files/dhinpresentation_040419.pptx)

## UPDATES

### Marketplace

Dr. Fan asked Commissioner Navarro to provide a short update on the Marketplace.

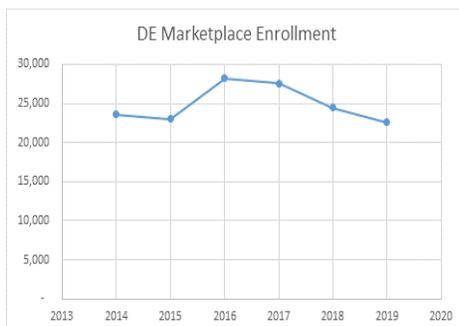
On March 25, 2019, CMS issued the 2019 Exchange Open Enrollment Period Final Report

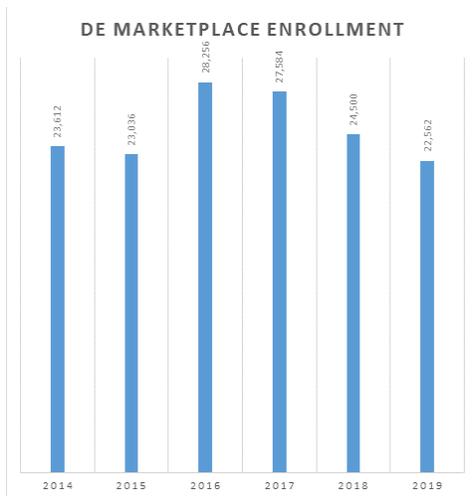
- The report shows plan selections in Exchange plans in the 50 states and D.C. remained steady at 11.4 million. This represents a minimal decline of around 300,000 plan selections from the same time last year. Also, as outlined in the report, average total premiums for plans selected through HealthCare.gov dropped by 1.5 percent from the prior year, the first decline since the Exchanges began operations in 2014. To view the OEP Final Report, click here: <https://www.cms.gov/newsroom/fact-sheets/health-insurance-exchanges-2019-open-enrollment-report>

Commissioner Navarro provided statistics about Delaware’s open enrollment period. In Delaware, 22,562 consumers selected an exchange plan for 2019. CMS prepared a number of public use files (PUFs) summarizing plan selection activity during the applicable open enrollment periods. The full report for state-level data:

<https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/Marketplace-Products/Downloads/2019OEPStateLevelPublicUseFile.zip>

Commissioner Navarro presented the following slides:





### **ADJOURN**

Dr. Fan asked if there was any new or old business to discuss.

Hearing no other business, Dr. Nancy Fan adjourned the meeting at approximately 10:58 a.m.

### **NEXT MEETING**

The next HCC meeting will be held on **Thursday, May 2, 2019 at 9:00 a.m. Del Tech Terry Campus.**

**Public Meeting Attendees**

Lenaye Lawyer  
Cheryl Heiks  
Brian Olson  
Bernard Cohen  
Stacy Schiller  
Victoria Brennan  
Joann Hasse  
Jose Tieso  
Christine Bryan  
Corinne Armann  
Nina Figueroa  
John Dodd  
Mary Fenimore  
John Gentile  
Pam Price  
Mary Perkins  
Mollie Poland  
Lisa Goodman  
Lolita Lopez  
Jeanne Choquin  
Lincoln Willis  
Shay Scott  
C. Bancroft  
Paul Roy  
Beth Jeker  
Gary Siegelman, MD

AmeriHealth  
La Red Health Center  
AmeriHealth  
DHIN  
Office of Controller General  
League of Women Voters  
DXC Median  
DHA  
Rebecca Batson Kidner, PA  
SBO  
BDC- Health IT  
Medical Society of Delaware  
Office of Senator Carper  
Highmark  
MACHC  
Nemours  
HGP  
Westside  
ALS CAN  
TWG  
Henrietta Johnson  
DTCC  
DCSN  
Pace Inc.  
Bayhealth