

Hospital Licensing Reform Steering Committee
August 6, 2007
Maine Hospital Association Conference Room

Minutes

Committee Members Present: Annette Adams, Linda Abernethy, Sue Boisvert, Kathy Bonney, Mary Finnegan, Denise Gay, Lynne Gagnon, Sharon King, Sandra Parker, Maureen Parkin, Judy Street, Sherry Rogers, Bill Zuber, Diane Bubar, Patty Roy, Anne Flanagan, Carol Kennelly, Deb Nickerson, Ali Hilt-Lash, Denise Osgood

Committee Members joining by video-conference: Ruth Lyons, Stacy Doten, Beth Dodge

Muskie School: Sue Ebersten, Maureen Booth, Barbara Shaw, Eileen Griffin

Absent: Laura Benson, Sally Lewin, Melissa Gallant, Julie Marston, Missy Marter, Catherine Cobb, Catherine Valcourt, Jerry Cayer, Cindy Leavitt, Martie Moore

Item	Discussion	Decision/Action	Who's Responsible	Date Due
Welcome and Introductions	Denise Osgood asked those in attendance to introduce themselves and the organization they represent.	NA	NA	NA
Feedback on Process	<p>Prior to today's meeting, Sandy Parker had requested an opportunity to provide feedback on the Steering Committee process to date. She reported that hospital members of the Steering Committee had met recently to discuss their views of the role of hospital licensing in the wake of the recent legislation deeming a hospital in compliance with state licensing requirements if the hospital is certified in compliance with the Conditions of Participation. Sandy reported that there was consensus that the hospitals did not favor state licensing requirements over and above those imposed by the Conditions of Participation. As a result, from the perspective of the hospitals, the new deeming law precludes the added value of state licensing regulation. Rather than continued discussion of where the State can "add value," Sandy said hospitals saw working on complaints and communications as being a better use of the Steering Committee's time. The other hospital members of the Steering Committee agreed that Sandy had accurately represented their views.</p> <p>Hospital members of the Steering Committee also expressed their preference for large group, rather than small group, discussion. Denise Osgood agreed that the format for today's meeting would be altered in deference to this</p>	NA	NA	NA

Item	Discussion	Decision/Action	Who's Responsible	Date Due
	preference.			
Review July 2 Meeting Minutes	The meeting minutes were revised to reflect the changes suggested by Julie Marston.	Revise Meeting Minutes	Eileen Griffin	September 10
Work Group Reports <ul style="list-style-type: none"> • Data 	<p>Maureen Booth reported out on behalf the Data Work Group. She said there were five types of data that could be useful in focusing surveys: complaints (in aggregate form), CMS Quality Indicators, volume and procedure data, AHRQ patient & inpatient survey (going through a validation study to determine if information is valid, reliable and consistent), and Joint Commission survey report and periodic performance review (not all members of the work group agreed that the full Joint Commission report should be available).</p> <p>Maureen said two concerns had been identified by the Data Work Group:</p> <ul style="list-style-type: none"> • Who would interpret the data? Interpretation requires a certain level of skill – how will the Department make that skill available to surveyors? • What is the role of Licensing in looking at the quality of care? What is the role of Licensing in looking at data? <p>Denise Osgood responded to these questions: She said the Department would look to CMS as its lead: how is CMS going to use data. She also acknowledged that the Department does not have statistical expert resources and that it would need to develop a stronger relationship with the Maine Quality Forum. Denise does not anticipate increased reporting requirements for hospitals except as required by CMS.</p>	NA	NA	NA
Work Group Reports <ul style="list-style-type: none"> • Complaints 	<p>Barbara Shaw reported out on behalf of the Complaints Work Group. She reported that this group had new members, including consumers. She noted that the group had identified a couple of challenges: how do you educate the public about filing complaints? How do you educate hospitals about how the process works? Barbara noted that the goal is to push complaints back down to the hospital level, where hospitals can investigate the complaints and regulate themselves. The group also had noted that the Department will need adequate resources to carry out anticipated recommendations, and that existing resources would not be adequate.</p>	NA	NA	NA
Work Group Reports	Denise Osgood reported efforts of the division to improve communications between the Licensing Division and the hospitals, in response to discussions at the last meeting. She reported recent efforts to update the website to	NA	NA	NA

Item	Discussion	Decision/Action	Who's Responsible	Date Due
<ul style="list-style-type: none"> • Communications 	<p>include a link to the CMS State Operations Manual for the Federal Conditions of Participation, Chapter 5 (“Complaint Procedures) and Appendix Q (“Guidelines for Determining Immediate Jeopardy”) sentinel event information, with Clinical Laboratory Improvement Amendment (CLIA) information pending. She reported that that the development of listserve capabilities has been prioritized by the division. was in the queue and would be addressed as resources permit.</p>			
Value Added	<p>Sue Ebersten led the discussion of where state regulation could add value to the Conditions of Participation. The group reacted to those areas identified by licensing staff, working off information distributed by Denise Osgood.</p> <p><i>Governing Body</i></p> <ul style="list-style-type: none"> • The group agreed that the Department needed to clarify the COP requirement for having a hospital plan needs to be reviewed by a “planning agency.” Who is the planning agency? What is the process? • The hospitals did not agree that the Department needed regulations addressing abuse, neglect and exploitation. Members of the Steering Committee recommended that the Department’s website list all applicable law, including the reporting requirements. • For sentinel events, the group did not decide where (or if) this regulation should reside. Denise voiced statutory language requiring such regulations. <p>The group discussed whether or not the Department could review against Conditions of Participation standard, not just at the condition level. The federal government gives the Department permission to investigate complaints only when there is a question of compliance with a condition of participation. However, possibly, the Department could conduct its own investigations based on noncompliance with a standard.</p> <p><i>Medical Staff</i></p> <p>Denise explained that Medical Staff requirements had been revised in 2004 in collaboration with the hospitals, and in response to concerns that Maine licensing standards had previously been inadequate. She noted that, as a result of this effort, the State’s Medical Staff requirements exceeded the requirements of the Conditions of Participation, with much more specific requirements for credentialing. The group will review the Medical Staff requirement at the next meeting.</p>	<p>Determine “planning agency” and process for plan review.</p> <p>Determine whether Licensing should be able to review on the “standard” level, not just on the “condition” level.</p>	NA	NA

Item	Discussion	Decision/Action	Who's Responsible	Date Due
Evaluation of Process	Some Steering Committee members were frustrated by the “value-added” discussion, noting that there is not a direct cross walk between the Conditions of Participation and licensing requirements, seeing many of the requirements of the Conditions of Participation woven throughout the State’s licensing standards. In addition, one member revisited the discussion earlier in the meeting, noting that it would be much easier for the hospitals to have only one set of regulations to comply with. There was also discussion of how the Joint Commission fits in.			
Next Meeting	Next meeting is scheduled for September 10 , 1:00 at the Maine Hospital Association.	NA	NA	NA