STATE OF WASHINGTON
DEPARTMENT OF HEALTH

WASHINGTON STATE
CERTIFICATE OF NEED PROGRAM
Meeting Summary – Hospice Services
WAC 246-310-290

A meeting regarding the Certificate of Need (CoN) hospice services rules convened on June 22, 2016. The meeting was held at the Department of Health, 111 Israel Road SE, in Town Center 2, Conference Room 158, Tumwater, WA 98501.

PRESENT:
Barb Hansen, WSHPCO
Leslie Emerick, WSHPCO
Peg Isenhower, MultiCare (by telephone)
Gina Drummond, Hospice of Spokane
April Hansen, Hospice of Spokane
Nancy Field, Field Associates
Stephen Pentz, Providence
Catherine Kozar, Providence
Jody Corona, HFPD

STAFF PRESENT:
Jan Sigman, Program Manager
Kathy Hoffman, Policy Analyst
Beth Harlow, Analyst

9:10am – Open Meeting, welcome and introductions

Overview

- Kathy Hoffman – goals for current workshop: first review of draft rules. Confirmation that group had received draft for review and accompanying consensus document.
- Propose to go through set page by page but leave methodology for the afternoon session since presentation is scheduled for that time. Group agrees.
- Brief discussion of special circumstances. Will resume this later when discussed in proposed rule.

Proposed Rule (first draft) Review

Page 1 – Definitions (WAC 246-310-290 (1))

- Discussion of proposed language regarding ADC, specifically calculating average length of stay.
- Assertion by Nancy that language is too vague, data sources must be identified in rule and average length of stay definition is incorrect (patient days versus admissions).
- Department describes where data sources can be identified; practice is to describe data source generally in rule, more specifically in application to avoid the need to amend a rule each time the name of a report or data source changes.
- Proposal to add "per admission" following "average length of stay" in (1)(a)(i). Argument that this will align subsections (a) and (b).
- *No consensus on this proposal to add "per admission" following "average length of stay in WAC 246-310-290(1)(a)(i).*
- Nancy will provide her write up and associated visualizations using two scenarios regarding average length of stay. She agrees to revise what she previously prepared and will forward this to the group. This will allow the workgroup to review and consider her proposals.
- Discussion of when "the most recent" is. Department confirms this will be based on the review schedule.
- Discussion of data types and sources.
- Second to last line on page one – subsection (c): add "services" after the word "hospice."

Page Two - Definitions (continued)

- Discussion of current capacity for provider who may not be reporting any days or services in a service area for three years – would not be counted in existing capacity.
- Department proposal to add a subsection (iii) to (d)(Current hospice capacity) to address this.
- Group generally agrees with this.
- Group prefers to move language regarding agency closing to this section.

Page 3 – Definitions (continued)

- No changes/comments.

Page 4 – WAC 246-310-290 (2) and (3)

- No changes/comments.

Page 5 – WAC 246-310-290(3) (continued)

- No changes/comments.

Page 6 – WAC 246-310-290(3)(continued), (4), (5) and (6)

- General positive response to proposed review table.
- General discussion of concurrent review process.
- Nancy asserts that department be required to post data by date certain and that this be incorporated into rule.
- Department explains position on adding specific dates in rule.
- General discussion on dates in review table; preference to extend public comment period. Department agrees.

- ***CONSENSUS: Change public comment period to 45 days. Rebuttal and ex parte period stay the same.***

Page 7 – WAC 246-310-290(7)(Reserving discussion of (8) for PM session, pages 7, 8, 9 and part of 10)

- Discussion of older, partial county Certificate(s) of Need, and use of word "contiguous."
- Discussion of original purpose of this subsection: allowing an existing agency to extend into another agency to create ADC. Section is about applicant, not county. Deals with narrow issue of applicant who has identified a county they wish to serve, but may be unable to reach ADC. Original exception section.
- Confusion in this section referencing entities as "hospice agencies" when "applicant" might be a better descriptor.
- Group discussed whether the word "contiguous" was agreed to by the majority.
- Brief discussion of exceptions and financial viability.
- Proposal to move second sentence and forward into exception language, but keep everything else. Also, add "by the third full year of operation" at the end of 7(a).

Page 10 – 11- WAC 246-310-290(9), (10) and (11)

- Subsection 9 discussion: department describes purpose. This was a consensus item, taken directly from the consensus document. Strike "a closure occurs" after "If" in second sentence of (9).
- Replace "hospice agencies" with "applicant" throughout the document.
- Subsection 11: sub (a) might need to be tweaked for consistency. Brought into alignment with exceptions.

Page 12 – WAC 246-310-290(12)

- Nancy does not agree that this is what group agreed to. Nancy and Jody will draft proposed exception language and share with group.

- Department advises that exceptions should not be “all encompassing.”
- Extended discussion regarding exception language. Members presented various positions and arguments.
- Gina and Jody find 25 too low for ADC.

Pages 7, 8, 9 and part of 10 – WAC 246-310-290(8)

- Beth presented the proposed methodology consistent with workgroup consensus.
- Group engaged in discussion of statewide use rate and problems with rural areas/need.
- Discussion of whether to round ADC up, down or actual.

- ***MAJORITY: We’re not going to round the average daily census in the projected unmet need and that will be used to determine the number of agencies.***

- Discussion of minor changes to descriptions in methodology.

- Department describes how methodology is presented in rule. Kathy presents table containing methodology. Both are proposed to remain in rule. Generally, group agrees with this presentation.

Conclusion

- July meeting is cancelled.
- ***Group will reconvene on August 30.***
- Nancy will provide her write up and associated visualizations using two scenarios regarding average length of stay to the group.
- Nancy and Jody will provide proposed exception language to the group.