

## **Key Discussion Points for the Advisory Council**

The following document includes an amalgamation of comments provided by Advisory Council members, and does not purport to represent a consensus of group comments. It is provided to support follow-up discussions of the Advisory Council.

## **Roadmap and Progression**

The Advisory Council believes that we need a clear roadmap going forward, with key milestones and a timeline. Maryland has stated goals related to the Triple Aim. The Advisory Council can help develop a consensus definition and description of the destination that we seek in Maryland. One view of that destination expressed by a Council Member is “to improve the health status of the residents of Maryland while reducing the cost of health care, improving the quality of and consumer satisfaction with care, and making the entire health care system work more efficiently.”

The first step in the progression is to better understand where we are today with almost thirty months of operation under the All-Payer Model Agreement. We should strive to understand both what is working well—so that we can expand our tools that have enabled the positive results—and where we believe there are gaps in our performance—so that we can design appropriate interventions to fill those gaps. We will need to resist the urge to embrace potential solutions that appear to be “shiny and new,” and instead focus on what will enable us to meet our targets expeditiously. As we do this, we should remind ourselves that more focused efforts are likely to yield the best results. We should also recognize that one approach is unlikely to be the appropriate solution for all situations.

We need to demonstrate that the current All-Payer Model is both successful and sustainable. The Advisory Council can offer advice about the measures that could determine if those outcomes are achieved. To ensure that we are making real progress toward this goal, we will need to define what constitutes success at particular points along the timeline, and the Advisory Council can play a useful role in this endeavor. We should evaluate the current model annually to determine progress toward success and sustainability.

This should involve setting concrete quantitative goals for managing the cost and quality of care for particular populations. The All-Payer Model agreement places a strong emphasis on controlling the growth of Medicare spending, and there are specific targets in the Model agreement related to Medicare, such as saving Medicare a cumulative \$330 million over five years and reducing hospital readmissions. This implies an overriding focus on identifying and better managing high-need, high-cost Medicare patients during the early phase of implementation. The Commission can set the goals, keep score, and provide the ground rules under which providers operate. At the same time, providers will want the flexibility to manage their business most effectively.

There is a need to set out a progression from the initial focus on the Medicare fee-for-service population with complex care situations, to all populations. A sequential approach would spend more time defining

accountability, responsibility, program design, outreach and coordination of care for all populations, across the full continuum of care from the well, to those with moderate support and service needs, to the chronically ill, and those in need of greatest care and services; utilizing health education, promotion and use of care pathways such as care and case management, nursing care, and hospice care that would offer a benefit across an entire population. This will help ensure the program's longer-term success.

Thus, the first milestones could be sequenced as follows: (1) getting secure access to patient-identifiable data from CMS to provide a complete picture of the health services used by the more than 800,000 Medicare patients in fee-for-service arrangements; data security and privacy includes prior notice to consumers, opportunities for them to opt out, and consumer rights to access and correct their records; (2) identifying those in this population with the most complex needs, including those already incurring or most at risk for high utilization; (3) from what the data tells us about these high-need people, the next step is to design interventions tied to their greatest needs (for example, if the data indicates a very high incidence of mental health problems, then we would benefit from addressing how adequate mental health services can be provided, and what it would take to ensure that there are sufficient amounts and types of services to meet the identified needs); (4) develop intensive intervention strategies to improve their care, optimize their health and reduce avoidable utilization and cost.

Success will depend on setting goals that are achievable, getting clarity on these goals, and drawing a roadmap that focuses laser-like on achieving them. This roadmap should include the sequence and scale of actions and reforms that are needed.

We also need a good sense of the *progression* of the work, with one set of accomplishments leading to another set of activities—a map in which we build successively on early accomplishments. This development of a roadmap and a plan for progression are important to the transformation of the delivery system and how that will take place. These milestones should relate to periodic assessments or evaluations of progress in meeting the goals and targets related to the All-Payer Model Agreement.

## **Engagement, Alignment, and Accountability**

The Council suggests that accountability will be fostered by first, defining the target population in a way that is based on the data showing the greatest potential for avoidable utilization with the fewest unknowns about the intervention. Next, the Council wants to focus on the aspects of care of that population that allow for the greatest reduction of potentially avoidable utilization, and determine whether existing policies are sufficient to incentivize that reduction. The Council wants to establish a limited number of achievable goals; define the care delivery change desired, and avoid multiple, overlapping policies that might micromanage the system. We should also create focus by sequencing provider engagement and accountability.

Understanding who is responsible for what, and developing a clear system of risks and rewards related to these responsibilities, is important to the success of the All-Payer Model. It seems likely that we will need aligned responsibilities to achieve system-wide accountability. This is preferable to a situation in which each party is accountable only within its own silo. If risks and rewards are aligned across hospitals,

physicians, post-acute care providers, behavioral health, and payers, we are more likely to get system-wide accountability.

## **Consumer engagement**

Two years ago, the Advisory Council issued its first report, including this passage:

*Maryland leaders should strengthen their efforts to educate consumers about the All-Payer model and strive to communicate model goals, implementation steps, and accomplishments in plain, understandable terms that demonstrate the impacts on consumers. This will enhance consumer engagement and promote positive results. Much has been done since that time, but more work is needed.*

Accountability requires meaningful measures that include consumers' access to quality care. As we strive to create incentives to reduce avoidable use of high-cost services, we should also be vigilant to avoid under-use of appropriate care. This is particularly important for vulnerable populations. What additional measures may be needed to protect consumers and ensure equity?

For example, ensuring adequate care for diabetes and blood pressure control are quality indicators that can be measured and utilized. The federal government has begun working with private payers and providers to identify common measures that could be used. Maryland should study these efforts and bring forward measures that will promote quality outcomes and improved health equity.

Maryland may want to consider establishing an Ombudsman program led by a consumer/community organization. There are successful models in other states. This could provide an avenue for consumer feedback on the All-Payer Model, and also as a vehicle for evaluation of the implementation efforts. There are a number of consumer protections organized in the State, in various agencies. We should take stock of the existing avenues and how they can be organized to support consumers.

## **Financing**

In our earlier report published on January 31, 2014, the Council called for identifying other sources of funding for care management and infrastructure, in addition to hospital rates. Since that time, Medicare introduced a chronic care management fee for community-based providers and other fees to support care transitions. Also, home health services are growing and these billable services are being used to support care management. It should be noted that as these sources of funding outside of hospitals are accessed, that the growth in non-hospital costs will need to be offset by reductions in hospital costs. DHMH has worked with the federal Medicaid Implementation and Advanced Planning Document program (IAPD) to secure funds to support expansion of CRISP infrastructure. The Council should determine the degree of progress that has been achieved toward this goal, and consider whether this earlier recommendation needs to be brought back and emphasized.

## **An organizational structure/framework for accountability and alignment**

One approach to organizing the policy framework for accountability and alignment is built on the following core principles:

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*Tie financial accountability to the provider with decision-making authority*

*Tie financial accountability to measurable outcomes related to cost and quality*

*Allow some freedom to adapt within a common framework*

*Only allow shared savings when quality indicators are at acceptable levels and when savings have been demonstrated on a patient population of a certain minimum size*

### **Key elements of a framework for accountability and alignment**

- ✚ *Patient centric* with a strong role for PCPs: who is accountable for the patient? PCPs? Shared accountability, and if so, how is this sharing worked out?
  - Population health: risk stratification can help focus on those most in need of supports and intensive care interventions;
  - *Global accountability* for achieving targeted cost and quality results over time: for what services and costs? Who goes at risk, how much risk, and how enforced?
- ✚ *Care coordination* as an enabling strategy toward success: who is going to do the care coordination? Care managers hired by providers and payers, or staff to the providers and payers? How are they trained, monitored, managed, and overseen? How will patients who need care coordination be selected? How does this relate to the population health/risk stratification strategies for Phase 2?
- ✚ *Incentive alignment* to encourage desired results: How are incentives provided so they reward people who are accountable for the results if they succeed? How are risk-sharing and shared savings measured and tied together, and are they symmetrical?

### **Alignment of hospital care with physician care and post-acute care**

We have a tremendous opportunity to align hospital care, physician care, and post-acute care. In its earlier report, the Council called for the alignment of incentives built into the global budgets for hospitals with incentives in post-acute care and physician care. Some progress has been made, but more needs to be done.

### **New opportunities for alignment of physician/practitioner's care**

The federal government's CCM payments permit Medicare to pay for non-face-to-face care management services such as medication reconciliation, coordination among providers, arrangements for social services, and remote patient monitoring. Arranging for such services requires physicians' time as well as the time of office staff, administrative costs, and technology outlays. Prior to this CMS billing code and payment system for care management, medical practices have had to absorb these costs without any reimbursement. Providers are frustrated with some of the CCM requirements. Is there an opportunity to improve on this program as part of the model progression?

Clinicians can also be encouraged to bill for Transitional Care Management (TCM) services. Such services compensate providers for working with patients as they transition from inpatient to community settings.

The Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) establishes a Merit-Based Incentive Payment System (MIPS) that consolidates existing Medicare fee-for-service physician incentive

programs. MACRA also establishes a pathway for physicians to participate in alternative payment models.

Council members noted that Maryland should be aligning MACRA, MIPS, and alternative payment models (APM). This will help physicians participate in new approaches to care delivery and payment.

Based on input from stakeholders, including the Advisory Council, the Physician Alignment Work Group, the ICN-Care Coordination Work Group, and other stakeholder input, Maryland is moving ahead to develop approvals that allow for shared resources and for shared savings to be provided from hospitals to non-hospital providers when care improves, and as a result there are savings associated with efficiency and reductions in avoidable utilization. The State is focused on gaining approvals that will allow evolution and changes in programs over time within the parameters of the federal approvals, rather than one or two fixed programs that cannot be changed. One initial program, aimed at providers with hospital privileges, focuses on improving the efficiency and quality of care and care transitions while the second program focuses on improving complex and chronic care with the aim of reducing potentially avoidable hospitalizations such as admissions for ambulatory-sensitive conditions and readmissions, among others. It is important that these innovations count toward the requirements of the federal government under MACRA, recognizing that the requirements are evolving.

### ***Medical malpractice reform***

The Council recognizes that medical malpractice is not within the purview of HSCRC. We recommend that the Commission be aware of the dissonance between its cost containment goals and the current medical malpractice system, and lend its voice to the need for reforming it. While the Council did not reach unanimous agreement on the specific types of reforms that are needed, or the likely impact of those reforms, most of the Council believes that addressing issues around medical malpractice is important in supporting the goal of reducing avoidable utilization and should be pursued in concert with the three-part aim.

### ***New opportunities for alignment of post-acute care***

The All-Payer Model presents an opportunity to reduce utilization in higher-cost settings and navigate to lower-cost settings, guided by clinical needs. This goal can be fostered by moving toward coordinated step down care. We can build on patient navigation and advocacy capacity. The phase 2 application should feature partnerships to build strong bridges between acute and post-acute settings. We should help people on Medicare with high-acuity chronic conditions become healthier and better move along the continuum from hospital to post-acute care settings, and from those settings to home.

The focus on post-acute care spotlights the importance of behavioral health needs. A number of the long-term post-acute care (LTPAC) population has moderate to severe cognitive impairment. Nearly 20 percent of SNF residents take anti-psychotic medications. Alignment may be fostered by expanding the shared savings concepts to include LTPAC providers and share resources and provide financial incentives to pursue quality and cost targets. Any new design should incentivize LTPAC providers to take the right action rather than the least expensive action. We should avoid going for a quick “savings” and ensure

that providers are not penalized for placing the patient in the most proper setting. The latter will be cost-effective over time by avoiding readmissions.

A fee-for-service system for LTPAC providers, like any FFS approach, maintains the incentive to keep beds (slot) filled. The new system needs to reduce this dependence, similar to the global payment system operating for acute care hospitals, and reward LTPAC partners for high-quality care. For this new approach to be successful we need accurate and timely data on resident conditions and treatment, and that data needs to be available and communicated in real time.

## Governance

We need to pay more attention to governance. The governance of the system should be modernized from one that focuses almost exclusively on hospitals to one that will allow for other practitioners and for patients to have a voice and be represented. The governance needs to be clear and transparent. Governance needs to protect patients, physicians, and the public health of Maryland.

Governance is an important challenge not only in the public sector, but also in the private sector. As various forms of integrated care networks, including ACOs, emerge, it will be important that they, too, are well governed. Some of these new entities are taking on a considerable amount of risk, and good oversight and management will be important to their success.

In terms of developing and implementing needed changes, consideration should be given to using private-public partnerships, such as CRISP, to assist in administration and transformation.

As the All-Payer Model continues to evolve toward a more system-wide focus, greater direct cooperation among HSCRC, DHMH, and MHCC seems warranted and helpful. Is there a need to formalize a multi-agency governance process, or can this best be done on an informal basis? There is a Coordinating Council, which was previously developed as many reforms were initially introduced in the State.

What are the relative roles for State government agencies and the private sector, including the important parts of the health care delivery and financing systems as well as community-based organizations? How can good governance promote alignment and accountability? The Advisory Council can provide guidance as to how the State can find the proper balance between State regulation and market-based incentives. In doing so, we should explicitly recognize and embrace the leading role of private sector initiatives in moving toward transformation, as opposed to government-mandated approaches. As the State continues to work with the federal government, what is the best balance between mainly implementing federal initiatives, on one hand, and positioning Maryland as a leader, with unique innovations under the All Payer Model, on the other hand?

In this regard, it is important to note that HSCRC has always had a philosophy of setting performance targets, rather than detailed design standards, and then “getting out of the way” so that hospitals can respond to those incentives with some variation in approaches. This goal of allowing considerable

flexibility for achieving desired thresholds is still valued, and can apply to physician services, post-acute care, and other parts of the health care system that are largely outside of the purview of HSCRC.

A key issue is whether to expand the scope of long-standing regulatory authority, which focuses on hospitals, versus retaining that authority more or less as is, and relying on market-based approaches outside of major government regulation, to align incentives between hospitals and other key sectors such as physician care and post-acute care. It should be noted that DHMH and MHCC also have important regulatory authority. A mix of public and private strategies may be needed.

One place to start is by developing risk-based and partial risk-based models to pay hospitals and sub-acute facilities that join together to better manage care such care transitions, optimize post-acute care, and reduce avoidable hospitalizations from long-term care settings. In a publicly based model, this would require some rate management of payments to SNF and other sub-acute providers. In a private solution, the parties would work out various combinations of risks and rewards largely outside of State regulatory authority but under the authority of one or more federal models.

In pursuing alignment of incentives, it is important to define the desired change first, and then see what organizational entities emerge to achieve this change, rather than starting first with the organizations (e.g. ACOs).

An important part of good governance is a substantive evaluation process. This is the key for both good governance and effective administration, and could serve as an accountability tool. For the All-Payer program, this evaluation could include an analysis of the models and programs being undertaken through the Transformation Grants to identify the most effective strategies. Such strategies can then be scaled up for broader use, or applied as appropriate in discrete areas.

In sum, there is a need to define and identify global governance for the entire All-Payer Model, starting with the continuum of beneficiaries in the Medicare fee-for-service program

- ✓ Who will govern the program and how will it be accomplished?
- ✓ Who has oversight responsibility, will monitor program outcomes, and is directly responsible?
- ✓ Who will involve, engage, and coordinate all stakeholders to ensure care is provided to all beneficiaries, at all levels of health care needs?
- ✓ Who is ensuring that the program is functioning, care is organized, outreach is occurring, coordination of care is being provided to patients, and identifying those not seeking care, gaps in care, and the need for prevention, across the care continuum and stakeholders?

### **The Council should discuss and resolve its recommendations for the development of the Phase 2 plan to the federal government and its implementation**

An important part of the roadmap is the process of creating the Phase 2 plan for the federal government. This plan will broaden the focus of cost control from mainly controlling total hospital costs per capita and improving quality, to a broader context that encompasses controlling the cost and improving the quality of a broad range of health services. An important choice is whether this much

broader focus for the second five-year period of the All-Payer Model will apply only to Medicare or to other payers as well, and the Council may want to make a recommendation on this. The Council may also like to weigh in on what Medicaid reforms could be included in the Phase 2 plan.

The Advisory Council would like to work through these issues to ascertain what they would like to recommend regarding the Phase 2 plan. We wish to see a realistic timetable for progression. We should advocate for what will best serve the state of Maryland, allowing sufficient time for policy and model development and stakeholder engagement and support.

We should also take into account the reforms that are already underway in Maryland and what models we should consider, including ACOs, PCMH, and geographic models.

### **Progress along the full continuum of care**

Maryland quickly made excellent progress in placing hospitals under global budgets. Now we face two key challenges: (1) to align incentives of physicians and other providers with these new hospital incentives; and (2) to “move upstream” along the continuum of care to address the forces driving people into hospitals and improve the health of the State’s population. A good place to start is with investments in both primary care and a cluster of social services and policies that improve health and access to health care, including nutrition, transportation, safe housing, among others.

### **Mapping capacity to the achievement of goals**

The achievement of the goals of the All-Payer Model will take enhanced capacity in non-acute areas of the system. The Council’s original report called for development of funding resources in addition to hospital rates, and we would like to reiterate that recommendation. This raises the challenge of figuring out both the desired hospital capacity looking out into the future, as well as the needed capacity in such areas as outpatient surgical centers, rehab centers, home care, and nursing homes. This involves efforts to plan for “right-sizing” the health care delivery system in the face of trends in demographics, technology, new market entrants, virtual visits, telemedicine, and the major policy changes that Maryland is undertaking.