

**Joint Sunset Committee
2012 Final Report Delaware Health
Resources Board**

**Recommendations and Opportunities for
Improvement**

The Joint Sunset Committee (JSC) recommended the Delaware Health Resources Board be continued provided the Board is meeting certain conditions and/or making certain modifications which were identified.

2012 Final Recommendations (DHRB)

- 1) For administrative and budgetary purposes only, the Delaware Health Resources Board shall be relocated to the Office of the Secretary, Department of Health and Social Services. The Delaware Health Resources Board shall function in cooperation with the Delaware Health Care Commission, as well as other state health policy activities.
- 2) Amend 16 Del C§ 9303 (c) as follows: The Delaware Health Care Commission and the Office of the Secretary, DHSS will be responsible for the administrative and staffing for the Health Resources Board.

Recommendations Continued

- ▶ 3) The composition of the Board shall be reduced from 21 members to 15 members. The membership shall be representative of all counties in the State pursuant to 16 Del C. § 9303.
- ▶ 4) **Amend 16 Del C. § 9303 (d) (1) to require the Board to conduct a public hearing when revising the Health Resources Management Plan. The Board shall also establish rules and regulations published in accordance with the procedures specified in the Administrative Procedures Act (29 Del C. c. 101) for reviewing Certificate of Public Review applications.**

Recommendations Continued

5) Amend 16 Del. C. § 9303 (d) (1) to reflect that the Health Resources Management Plan should be reviewed and approved by the Delaware Health Care Commission prior to submission to the Secretary of DHSS for final written approval.

6) Amend 16 Del. C. § 9304 (1) to **clarify that only for-profit acquisitions of a nonprofit health care facility are subject to the Certificate of Public Review process**. Not-for-profit acquisitions of another nonprofit health care facility would not require a review.

Recommendations Continued

7) Amend 16 Del. C. § 9303 to include a section as follows: The Governor may at any time, after notice and hearing, remove any Board member for gross inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. A member shall be deemed in neglect of duty if they are absent from 3 consecutive Board meetings without good cause or if they attend less than 50% of Board meetings in a calendar year.

Recommendations Continued

8) The Delaware Health Resources Board, with assistance provided by DHSS and Health Care Commission, shall conduct a comprehensive review of 16 Del. C. c. 93 and the Certificate of Public Review program. The focus of this government efficiency review should be **aimed at streamlining operations, increasing efficiency, simplifying the application process and updating the categories for review.** This review shall include, but is not limited to, the following: **activities subject to a review; criteria considered during a review; procedures to review; timelines/deadlines for a review; feasibility of quarterly Board meetings; documents used by the Board; application fees and fee structure; strengthening the charity care requirements; consider publishing the list of equipment triggering a review through the regulatory process; consider adding assisted living communities to CPR process; consider IT capabilities and an increased online presence.** The Delaware Health Resources Board shall report the key findings identified and make recommendations to the Joint Sunset Committee by January 1, 2013.

Recommendations Continued

9) The Delaware Health Resources Board shall **review, and revise as needed, the conflict of interest definition enumerated in the by-laws. The Board shall develop guidelines for members to use when identifying and evaluating potential conflicts of interest.**

Additionally, the Board shall provide its members with the opportunity to participate in a Public Integrity Commission training session no less than once per year.

10) The Delaware Health Resources Board, with assistance provided by the Delaware Health Care Commission, shall undertake a comprehensive review of the Health Resources Management Plan and shall update the Plan to ensure that it supports the **development of health services that are cost effective, consistent with meeting consumer needs and choice, and that the standards for a Certificate of Public Review are appropriate.** Public hearings and forums should be held to solicit comment from all interested stakeholders and the public at large.

Recommendations Continued

11) The Delaware Health Resources Board shall review and **revise the current by-laws** governing the Board to ensure consistency with 16 Del. C. c. 93; by-laws shall be updated accordingly.

12) The Delaware Health Resources Board shall develop a toolkit for the CPR process. The toolkit should include, but not be limited to, **the Board by-laws, the revised CPR applications, an overview of the CPR process** outlining what applicants can expect at each step in the process, **the options available for applications to be reconsidered if denied, as well as a general timeline detailing the average time needed to complete each step in the process for applications to be approved or denied** by the Board. Upon completion of the toolkit, the Board shall make these documents available to the public on the **Board's website**.

Opportunities for Improvement

- ▶ **Additional staff resources** are needed to meet the responsibilities of the Board, **including the need to develop analytic reports for the Board** to inform its decision making. Also, effort should be made to identify staff persons whose budget positions are funded by General Funds or **increase application filing fees to cover the operations** which include the salaries of staff positions that support the CPR program and the Board. The fees have never been increased and pursuant to 16 Del. Code §9305 (10), all filing fees are deposited into the General Fund.

Capital Expenditures	Application Fee
Less than \$ 500,000	\$100
\$500,000 to \$999,999	\$750
\$1,000,000 to \$4,999,999	\$3000
\$5,000,000 to \$9,999,999	\$7500
\$10,000,000 and over	\$10,000

Opportunities for Improvement continued

- ▶ **Evaluate the purposes of the CPR program, the activities that are subject to review and the review criteria** considered during the course of a review. Revise as necessary to assure that the **CPR program supports and is aligned with the state's health policy goals.**
- ▶ **Appoint members to fill the vacancies on the Board.** There has been discussion about reducing the size of the HRB; however, it has also been noted that the current composition set forth in statute is carefully balanced, with eleven (11) members designated by organizations and ten (10) members representing the public at large.

Opportunities for Improvement continued

- ▶ **Revise the timelines and deadlines in the statute to enable the Board to meet quarterly instead of monthly.** Procedures to review, including deadlines and time limitations in the statute, currently require the HRB to meet monthly in order to conduct business in a manner that is in compliance with the law.

Option 1	<u>Option 2</u>
March	January
June	April
September	July
December	September
	December– No meeting