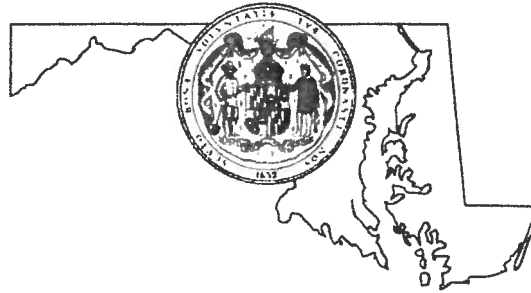


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DEPARTMENT OF HEALTH AND MENTAL HYGIENE



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January 1, 2010

The Honorable Martin O'Malley  
State House, 100 State Circle  
Annapolis, MD 21401

The Honorable Thomas V. Mike Miller, Jr.  
H-107, State House  
Annapolis, MD 21401-1991

The Honorable Michael E. Busch  
H-101, State House  
Annapolis, MD 21401-1991

RE: Legislative Report:  
Health General Article  
Section 19-214(e)

Dear Governor O'Malley, President Miller, and Speaker Busch;

I am writing in response to the provisions set forth in Section 19-214(e) of the Health General Article (as enacted in Chapter 245 of the 2008 Laws of Maryland, House Bill 1587), which requires the Health Services Cost Review Commission ("HSCRC," or "Commission") to report to the Governor and, in accordance with Section 2-1246 of the State Government Article, the General Assembly, the following information:

- The aggregate reduction in hospital uncompensated care realized from the expansion of health care coverage under Chapter 7 of the Acts of the General Assembly of the 2007 Special Session; and

- The number of individuals who enrolled in Medicaid as a result of the change in eligibility standards under Section 15-103(A)(2)(ix) and (x) of the Health General Article and the expenses associated with the utilization of hospital inpatient care by these individuals.

## **Introduction**

Over the past several years, the General Assembly has considered various ways to reduce the number of uninsured individuals in the State, which has been estimated roughly to be 800,000. For example, legislation has been introduced to create a health care exchange, increase the eligible age of dependents for health care coverage purposes, require citizens to obtain coverage or pay a tax penalty, require businesses to provide coverage to employees or pay a subsidy, provide a subsidy for small businesses that have not provided health care coverage to their employees, and expand eligibility for the Medicaid Program.

Senate Bill 6 (Chapter 7) was enacted during the 2007 Special Session, and SB974/HB 1587 (Chapter 244/245) was enacted in 2008 to address several of these issues.

## **Background**

Chapter 7 of the 2007 Special Session enacted the "Working Families and Small Business Health Coverage Act," which expands access to health care in the following ways:

- Expands Medicaid eligibility to parents and caretaker relatives with household income up to 116 percent (currently 46%) of federal poverty guidelines (FPG), which will be implemented in fiscal 2009 (116% for family of 4 = \$24,000);
- Contingent on available funding, incrementally expands the Primary Adult Care program benefits over three years to childless adults with household income up to 116 percent FPG (currently 46%), which will phase in from fiscal 2010 through 2013; and
- Establishes a Small Employer Health Insurance Premium Subsidy Program, which will be administered by the Maryland Health Care Commission (MHCC) and funded with \$15 million in fiscal 2009.

Special funds, including savings from averted uncompensated care and matching federal funds, will cover a portion of the costs of the expansion. Chapters 244/245 from 2008 requires the Commission to implement a uniform assessment on hospital rates to reflect the aggregate reduction in hospital uncompensated care from the expansion of health care coverage under Chapter 7. The assessment is to be broad-based, prospective, and uniform and will reflect averted uncompensated care realized from the expansion of the Medicaid Program under Chapter

7. The legislation authorizes the Commission to implement the assessment provided that it does not exceed the actual averted uncompensated care.

The federal Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991 require that in order for provider taxes to access federal matching funds, they may not exceed 25% of a state's share of Medicaid expenditures; they must be broad-based and uniform; and they may not hold providers harmless. A uniform tax is one that is imposed at the same rate on all providers.

In addition to altering the funding of health care expansion efforts, Senate Bill 974/House Bill 1587 made the Maryland Health Insurance Plan ("MHIP") assessment more responsive to the current needs of the program. Under this provision, regulations were adopted to increase the assessment from the previous requirement of 0.81% to 1.0% of net patient revenue. The combined assessment (averted uncompensated care and MHIP) may not exceed 3% of total net patient revenue at Maryland hospitals.

#### **FY 2009 Uniform Assessment and Estimate of Averted Bad Debt**

Frequently, eligible individuals do not become enrolled in the Medicaid program until many months after care had been provided. Once enrolled, coverage is provided retroactively to the date of the service. In addition, it takes at least 3-6 months after care is provided for all relevant data to be accessed by Medicaid and the HSCRC on the associated costs. Therefore, the amount of averted bad debt is not fully known until many months after the conclusion of the applicable fiscal year. As a result, Medicaid and the HSCRC estimate the aggregate reduction in hospital uncompensated care based on Medicaid's expected enrollment and per member/per month costs. During FY 2008, the Medicaid Program and HSCRC calculated the estimated total Medicaid expenditures for FY 2009 by multiplying the total number of expected member months by the expected monthly Medicaid costs (\$462.58). The result, \$95.2 million, was adjusted to account for the following:

- The percentage of expenditures that will be spent in-state, 94%, calculated using a three year average of Medicaid claims data;
- Medicaid pays 94% of charges;
- The percentage of expenditures that would go to hospitals (61%) calculated based on the Medicaid HealthChoice reimbursement process that breaks out payment rates into hospital, drug, and other components;
- The estimated share of the spending that went to individuals who had coverage previously (known as "crowd out") was 28% based on available literature and confirmed by surveys issued through Medicaid; and

- The lower use rate of the uninsured, approximately 82%, based on the available literature.

Using these adjustments, the original estimated hospital averted bad debt from Medicaid expansion in FY 2009 was calculated to be \$34.3 million (See Row 11, Column A of Appendix I for calculations).

The legislation states that a portion of averted bad debt shall be utilized to reduce costs to purchasers of hospital care, through a reduction in hospital rates. For FY 2009, the Commission determined that 75% of the averted bad debt is to be passed on as reductions in hospital payments related to uncompensated care. Therefore, \$24.2 million of the expected averted bad debt was remitted from hospitals to support the Medicaid expansion program (See Row 15, Column A of Appendix I for calculations). Once remitted and utilized for health care purposes by Medicaid, the State is able to access the federal match on this amount – more than doubling this amount (the federal match in FYs 2009 and 2010 is 61.59%).

As reported by the Department of Health and Mental Hygiene (“DHMH”), the average enrollment in Medicaid as a result of Medicaid expansion in FY 2009 was actually 29,273 – an amount higher than expected when the uniform assessment was originally calculated for FY 2009. Moreover, Medicaid found that the per member/per month cost was also higher than originally expected, since a higher proportion of the new enrollees was older than age 44. Typically, an older population requires more health care services, which means higher costs to the program. As a result, the original FY 2009 per member/per month cost estimate was increased from \$462.58 to \$510.61 – a 10.3% increase.

Factoring in these increases and making adjustments based on experience (such as the hospital portion from 61% to 54%) to date, it has been estimated preliminarily that the amount of averted bad debt in FY 2009 was \$16.5 million greater than originally expected (See Row 16, Column B of Appendix I for calculations). This amount has been included in the uniform assessment calculation for FY 2010.

#### **FY 2010 Uniform Assessment and Estimated Averted Bad Debt**

The FY 2010 assessment was based on an anticipated average enrollment of 55,000 and a per member/per month cost of \$539. The total expected Medicaid expenditures for this population is \$324.4 million. After making the same adjustments made for FY 2009, the total expected hospital averted bad debt in FY 2010 is \$103.4 million, and the uniform assessment for FY 2010 is \$90 million – providing a savings to purchasers of hospital care of about 7.4% or \$13 million (See Column C of Appendix I for calculations).

The Honorable Martin O'Malley  
The Honorable Thomas V. Mike Miller, Jr.  
The Honorable Michael E. Busch  
January 1, 2010  
Page 5

The aforementioned \$16.5 million from the underestimation in FY 2009 has been added to this amount so that the total assessment amount for the parents/caretakers expansion in FY 2010 is \$106.5 million (See line 18 in Column C in Appendix I).

### **Expansion to Emergency Care under the Primary Adult Care Program**

As described above, Chapter 7 of the 2007 legislation expands services to childless adults with incomes up to 116 percent of the federal poverty level. Currently, the childless adult population receives primary care, pharmacy, and certain office and clinic-based mental health services (the Primary Adult Care Program or PAC). The Act phases-in specialty physician, emergency services, and hospital services over a three-year period, if available funding exists. Pursuant to Board of Public Works action in July of 2009, emergency services will be added to the PAC program beginning January 1, 2010. This expansion will also require an adjustment to the FY 2010 uniform assessment. This program is expected to require an additional \$8.7 million in resources between January 1, 2010 and June 30, 2010. Therefore, this amount has been added to the uniform assessment for a total FY 2010 uniform assessment of \$115.2 million.

### **Administrative Difficulties**

Estimating averted bad debt has been more tedious than expected due to data lags, the inability of Medicaid to identify distinctly the individuals enrolled under the expansion legislation, the inadequacy of the enrollment and data systems at DHMH, the fact that uncompensated care is increasing overall due to other economic factors, and the time burden on staff at Medicaid and HSCRC.

Hospitals have claimed that they are not seeing the same level of averted bad debt that is being estimated. Medicaid, on the other hand, has been finding enrollment higher and more costly than initially estimated. Adding to the dichotomy is inability to provide- patient level information to hospitals in a timely manner to confirm such levels. As we note that uncompensated care continues to increase due to various economic factors, it will be difficult to determine averted bad debt accurately until all relevant data on Medicaid expansion enrollment and costs become available.

Over the past 18 months, HSCRC staff has invested approximately 800 hours in attempting to arrive at the most accurate estimates possible. Since this has not been an efficient use of staff time, the HSCRC, Medicaid, and the hospital industry representatives have been working to find a more efficient and accurate means of identifying the Medicaid expansion population within the HSCRC data.

### **Conclusion**

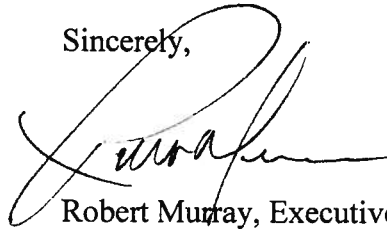
Thank you for this opportunity to share preliminary data and an estimate of the impact that the provisions of Chapter 7 from 2007 and Chapter 244/245 from 2008 have had to date on hospital

The Honorable Martin O'Malley  
The Honorable Thomas V. Mike Miller, Jr.  
The Honorable Michael E. Busch  
January 1, 2010  
Page 6

uncompensated care. In a short period of time, these provisions have begun to demonstrate the desired effect of increasing access to health care and reducing hospital uncompensated care. HSCRC policy dictates that since the uniform assessment represents an estimate of bad debt experience, once actual experience is known, the Commission will make "settle-up" adjustments in rates to correct for any error in forecasting.

Future reports will allow for a more comprehensive analysis by utilizing a full year of actual data. The HSCRC will continue to coordinate with DHMH to establish a more efficient and effective means of estimating averted bad debt resulting from the Medicaid expansion legislation, as well as determining the actual amount to be reconciled in hospital rates.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Murray", written over a large, stylized flourish that loops back to the left.

Robert Murray, Executive Director  
HSCRC

cc: Department of Legislative Services Library and Information Services (5 copies)  
Senator Thomas Mac Middleton  
Delegate Peter Hammen  
Secretary John Colmers  
Mr. Joseph Bryce (Governor's Legislative Office)  
Ms. Marie Grant (DLS)  
Ms. Linda Stahr (DLS)  
Ms. Wynee Hawk (DHMH)

# Appendix I

## Estimate vs Actual Averted Bad Debt

Estimated for FY 2009 and FY 2010

	A	B	C
	Original Estimate FY 2009	Revised Estimate FY 2009	Revised Estimate FY 2010
1 Medicaid Total Expenditures	\$95,170,624	\$160,119,126	\$324,422,100
2 In State Payment Percent	<u>94.00%</u>	<u>94.00%</u>	<u>94.00%</u>
3 In State Payments	\$89,460,386	\$150,511,978	\$304,956,774
4 Medicaid Payment Percent	<u>94.00%</u>	<u>94.00%</u>	<u>94.00%</u>
5 Charges @ Hosp Payment Rate	\$95,170,624	\$160,119,126	\$324,422,100
6 Hospital Portion	<u>61.00%</u>	<u>61.00%</u>	<u>54.00%</u>
7 Hospital Charges Reported	\$58,054,080	\$97,672,667	\$175,187,934
8 Crowd Out (28%)	<u>72.00%</u>	<u>72.00%</u>	<u>72.00%</u>
9 Hospital Charges after Crowd	\$41,798,938	\$70,324,320	\$126,135,312
10 Lower Use Rate	<u>82.00%</u>	<u>82.00%</u>	<u>82.00%</u>
11 <b>Averted Bad Debt</b>	<b>\$34,275,129</b>	<b>\$57,665,943</b>	<b>\$103,430,956</b>
12 Medicaid Payment Percent	<u>94.00%</u>	<u>94.00%</u>	<u>94.00%</u>
13 Net Medicaid Payments	\$32,218,621	\$54,205,986	\$97,225,099
14 Percent Returned to Medicaid	<u>75.00%</u>	<u>75.00%</u>	<u>92.61%</u>
15 Hospital Payments to Medicaid	\$24,163,966	\$40,654,489	\$90,039,771
16 <b>Difference</b>		<b>\$16,490,523</b>	
17 Settle up Payment			<b>\$16,490,523</b>
18 Total Payments to Medicaid			\$106,530,295

Estimated Enrollees  
Cost per Enrollee per member month

29,273  
\$511

55,000  
\$539