

MEMORANDUM

December 5, 2014

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Action:** Expedited Bill 57-14, Health – Montgomery Cares – Advisory Board - Continuation

Expedited Bill 57-14, Health – Montgomery Cares – Advisory Board - Continuation, sponsored by Council Vice President Leventhal, was introduced on November 25, 2014. A public hearing was held on December 2.

Background

Montgomery Cares Program is a public/private partnership between the County Department of Health and Human Services and a network of nonprofit clinics and hospitals that provides primary medical care and prescription medications to low-income, uninsured adults who reside in the County. The Advisory Board for the Montgomery Cares Program was established to guide the development of the Program and to ensure steady and measurable growth in the number of uninsured County residents accessing high quality and efficient health care services.

Under current law, the Advisory Board must recommend to the Council and the Executive whether the County should continue the Board or establish an alternative governance structure for the Montgomery Cares Program on or before January 1, 2015. Bill 57-14 would extend the time for the Board to make this recommendation to March 31, 2015. The Bill would also extend the sunset date for the Board from June 30, 2015 to October 31, 2015. Vice President Leventhal, the lead sponsor, explained the reason for the extension at ©4-8.

Public Hearing

The only witness at the public hearing, Steve Gammarino, speaking on behalf of the Montgomery Cares Advisory Board, supported the Bill. (©9) Mr. Gammarino stated that the Board needs more time to evaluate the governance structure for Montgomery Cares because the healthcare landscape has recently changed significantly due to the implementation of the Patient Protection and Affordable Care Act.

Discussion

The Patient Protection and Affordable Care Act (ACA) increased the availability of health insurance to County residents, but it has not eliminated the need for Montgomery Cares to fill the gap for uninsured residents. The Advisory Board is requesting a modest extension of time to evaluate the effect of the ACA on its mission in order to determine how best to leverage the ACA to increase the availability of medical services for County residents. **Council staff recommendation:** enact the Bill as introduced.

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Expedited Bill No. 57-14
Concerning: Health – Montgomery Cares
– Advisory Board – Continuation
Revised: November 13, 2014 Draft No. 2
Introduced: November 25, 2014
Expires: May 25, 2016
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice President Leventhal

AN EXPEDITED ACT to:

- (1) extend the life of the Advisory Board for the Montgomery Cares Program; and
- (2) generally amend the law creating the Advisory Board for the Montgomery Cares Program.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Section 24-53

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Expedited Bill 57-14

Health – Montgomery Cares – Advisory Board – Continuation

DESCRIPTION: Under current law, the Advisory Board for Montgomery Cares must recommend to the Council and the Executive whether the County should continue the Board or establish an alternative governance structure for the Montgomery Cares Program on or before January 1, 2015. Expedited Bill 57-14 would extend the time for the Board to make this recommendation to March 31, 2015. The Bill would also extend the sunset date for the Board from June 30, 2015 to October 31, 2015.

PROBLEM: The Montgomery Cares Advisory Board needs more time to evaluate the usefulness of the current governance structure for the Montgomery Cares Program.

GOALS AND OBJECTIVES: The goal of the Bill is to provide more time for the evaluation of the governance structure of the Program.

COORDINATION: HHS Director

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: Not applicable.

PENALTIES: None.



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

MEMORANDUM

GEORGE LEVENTHAL
COUNCILMEMBER
AT-LARGE

November 18, 2014

TO: Councilmembers

FROM: George Leventhal, Council Vice President *GL*

SUBJECT: Introduction of Expedited Bill to Extend the Sunset Date for the Montgomery Cares Advisory Board

I am asking the Council to introduce on November 25th an expedited bill to extend the sunset date for the Montgomery Cares Advisory Board from June 30, 2015 to October 31, 2015 to allow the Board to have until March 31, 2015 to provide the Executive and the Council with a recommendation on whether to continue the Board or establish an alternative structure.

When the Montgomery Cares Advisory Board was established, Montgomery Cares was focused on primary care for uninsured low-income adults. With the Council's ongoing support, Montgomery Cares served almost 28,000 patients in FY14 and increased access to behavioral health services, specialty care, and preventive care, such as mammograms. The Affordable Care Act is changing access to health care. Patient-centered medical homes and family-centered health care are changing how health care is delivered, and we are now looking to achieve the "Triple Aim" of improving population health, improving the patient experience, and reducing the per capital cost of health care.

I have attached a copy of the law establishing the Montgomery Cares Advisory Board. The current law requires the Board to provide the Executive and the Council with a recommendation on whether it should continue by January 1, 2015. The Board needs additional time to discuss how it might be structured given changes to programs serving low income residents (possibly adults and children) and develop its recommendation. The bill I am proposing would give the Board until March 31, 2015 to forward its recommendation. The Council would then have until October 31, 2015 to consider the recommendation and amend the law as needed.

Attachment: Montgomery County Code, Section 24-47 through 24-53

MONTGOMERY COUNTY CODE

Sec. 24-47. Definitions.

- (a) In this article the following words have the meanings indicated.
- (b) "Board" means the Advisory Board for the Montgomery Cares Program.
- (c) "Department" means the Department of Health and Human Services.
- (d) "Program" means the Montgomery Cares Program, a public/private partnership between the Department and a network of nonprofit clinics and hospitals that provides primary medical care and prescription medications to low-income, uninsured adults who reside in the County. (2006 L.M.C., ch. 2, § 1.)

Sec. 24-48. Established.

There is an Advisory Board for the Montgomery Cares Program. (2006 L.M.C., ch. 2, § 1.)

***Editor's note**—For history on previous Art. VI, see the editor's note to Art. V of this chapter.

Sec. 24-49. Mission

The Board's mission is to guide the development of the Program to ensure steady and measurable growth in the number of uninsured County residents accessing high quality and efficient health care services, including primary, specialty, dental, and behavioral health care services. (2006 L.M.C., ch. 2, § 1.)

Sec. 24-50. Members; appointments; terms.

- (a) *Total members.* The Board has 17 members.
- (b) *Ex officio members.* Subject to confirmation by the County Council, the County Executive should appoint the following individuals to serve as ex officio members of the Board:

- (1) The County Health Officer or Officer's designee; and
- (2) The Chief of the Department's Behavioral Health and Crisis Service or the Chief's designee.

(c) *Other members.* Subject to confirmation by the County Council, the County Executive should appoint the following individuals to serve on the Board:

(1) 2 representatives of community health care providers that participate in the Program;

(2) 1 representative of hospitals that participate in the Program;

(3) The chair of the Board of Directors of the entity that contracts with the Department to administer the distribution of funds for the delivery of Program services or the chair's designee;

(4) 3 members of the public;

(5) 4 individuals who have knowledge of and experience with issues relating to health care for uninsured individuals such as primary care, specialty care, dental care, behavioral health care, or fiscal matters relating to any of these types of care;

(6) 1 representative of the Commission on Health; and

(7) 1 representative of the County Medical Society; and

(8) 2 current or former recipients of services under the Program.

(d) *Terms.* A member appointed under subsection (c) serves a 3-year term.

(e) *Appointments; removal.* Section 2-148 does not apply to members appointed under subsection (b).

(f) *Conflicts of Interest.*

(1) Section 19A-11(a) does not apply to a member appointed under subsection (c).

(2) A member appointed under subsection (c) must:

(A) file a limited public financial disclosure statement that complies with Section 19A-17(a)(6); and

(B) publicly disclose to the Board the nature and circumstances of any conflict before voting on any Board recommendation. (2006 L.M.C., ch. 2, § 1; 2006 L.M.C., ch. 38, § 1; 2008 L.M.C., ch. 33, § 1; 2011 L.M.C., ch. 4, § 1.)

Editor's note—2008 L.M.C., ch. 33, § 2, states: Transition. The term of each member of the Advisory Board for the Montgomery Cares Program in office when this Act takes effect is extended to June 30, 2009. Beginning on July 1, 2009, the terms of each member appointed on or after that date must be staggered so that one-third are appointed for a one-year term, one-third are appointed for a two-year term, and one-third are appointed for a three-year term.

Sec. 24-51. Voting; chair; meetings; compensation.

- (a) *Voting.* All members of the Board are voting members.
- (b) *Chair.* The members of the Board must elect a chair by majority vote to serve a 1-year term.
- (c) *Meetings.* The Board must meet at least 10 times each year.
- (d) *Compensation.* Except as provided in subsection (e), a member must serve without compensation.
- (e) *Expenses.* A member may request reimbursement for mileage and dependent care costs at rates established by the County. (2006 L.M.C., ch. 2, § 1; 2006 L.M.C., ch. 3, § 1.)

Sec. 24-52. Duties and staff.

- (a) *Duties.* The Board may advise the County Executive, County Council, and Department on any matter relating to the goal of ensuring a steady and measurable growth in the number of uninsured County residents accessing high quality health care services, including:
 - (1) Eligibility criteria for participating health care providers;
 - (2) Eligibility criteria for individuals served by the Program;
 - (3) The method for allocating Program funds;
 - (4) The method of distributing funds to participating health care providers;
 - (5) The Program budget;
 - (6) Growth targets and resources needed to meet those targets;
 - (7) Assistance to eligible individuals to obtain State and federal health care coverage;

(8) Policies and practices to maximize the use of County funds for direct services to clients;

(9) Evaluation of the Program, including quality of care assessment; and

(10) Strategic planning.

(b) *Report.* The Board must submit a quarterly report to the County Executive, County Council, and Department on its activities, findings, and recommendations.

(c) *Consideration of findings and recommendations.* The County Executive, County Council, and Department must give serious consideration to the findings and recommendations of the Board.

(d) *Staff.* The Department must provide appropriate staff for the Board. (2006 L.M.C., ch. 2, § 1; 2008 L.M.C., ch. 33, § 1.)

Sec. 24-53. Termination.

(a) *Date.* The Board terminates on June 30, 2015.

(b) *Continuance of Board.* By January 1, 2015, the Board must recommend to the County Executive and County Council whether the County should continue the Board or establish an alternative governance structure for the Program. (2006 L.M.C., ch. 2, § 1; 2008 L.M.C., ch. 33, § 1.)



Montgomery Cares Advisory Board
December 2, 2014

**Testimony to the Montgomery County Council
Expedited Bill 56-14, Health – Montgomery Cares – Advisory Board - Continuation**

On behalf of the Montgomery Cares Advisory Board (MCAB), we strongly recommend to the County Council that the advisory board be granted additional time to re-establish our governance structure. This would change the recommendation for continuation date from January 1, 2015 to March 31, 2015 and extend the sunset date from June 30, 2015 to October 31, 2015.

The Board makes this recommendation because the healthcare landscape has vastly changed since MCAB's inception in 2006. We are putting concerted effort into ensuring our mission, duties and structure align with the Montgomery Cares program and possibly other county health care delivery programs that serve the uninsured.

The implementation of the ACA expanded access to care for many Montgomery County residents but there is an estimated 60,000 residents who remain uninsured. Currently, the Montgomery Cares program serves around 30,000 uninsured residents. Based on these numbers, there will continue to be a need for a primary care delivery system that serves this population.

At this time, the MCAB is obtaining input from key stakeholders including leadership for the Clinics, Hospitals, DHHS, PCC, and the County Council HHS Committee. One option MCAB is considering will expand its mission to include other county safety-net programs. This would include all county programs that provide healthcare for the uninsured such as Maternity Partnership and Care for Kids. Expanding the MCAB mission would provide a more comprehensive review of critical county safety-net programs by the MCAB and align its oversight with the DHHS structure of these programs.

We appreciate the county's commitment to the Montgomery Cares program and continue to work on improving efficiency and effectiveness. Thank you for considering MCAB's continuation request.

Steve Gammarino,
Vice-Chair, Montgomery Cares Advisory Board