According to Title 16, Chapter 93 of the Delaware Code, the purpose of Delaware’s Health Resources Board (HRB) Certificate of Public Review (CPR) process is to “assure that there is continuing public scrutiny of certain health-care developments which could negatively affect the quality of health care or threaten the ability of health-care facilities to provide services to the medically indigent. This public scrutiny is to be focused on balancing concerns for cost, access and quality.” The Delaware HRB was established to “foster the cost-effective and efficient use of health-care resources and the availability of and access to high quality and appropriate health-care services.”

The HRB is scheduled to come under Sunset Committee review in February 2020. The Delaware Healthcare Association recommends several procedural changes to improve the process and function of the Health Resources Board and improve consistency in the review of CPR applications. DHA recommends the following changes:

1. **Provide funding for independent staff or consultants with expertise in health policy and planning** to review CPR applications, support the HRB with analysis and interpretation, and to help guide HRB business, debate and determinations.

2. **Allow dialogue between applicants, impacted parties, and the HRB during the CPR review process** to facilitate real-time discussion and answers to questions to aid the HRB in their deliberations.

3. **Allow technological capabilities** for HRB members to participate remotely to improve meeting attendance, deliberation and function.

4. **Convene a working group** that includes representatives with appropriate health planning background from industries subject to CPR review and other stakeholders for the purpose of updating the review criteria and application process. Specifically, the working group should:

   a) ensure information requested in CPR application is relevant for assessing the service being proposed;
   b) foster better and more consistent alignment with the criteria that the Health Care Commission has established by ensuring that the information being requested in the application aligns with the criteria for evaluation and supports the HRB's deliberations on these criteria;
   c) restrict any new criteria from evaluations unless the new criteria is communicated to the applicant prior to the application being submitted;
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d) create a schedule for regular review, and training for HRB members on the review criteria and to allow for consistent assessment of applications; and,
e) consider eliminating the Health Resources Management Plan and, instead, detail criteria for CPR review in the Statute to simplify process.

5. With the input of providers, update the list of health care expenditures, including medical equipment and activities that require a CPR.

6. Ensure that CPR criteria requires facilities to care for the underserved in Delaware by requiring all facilities subject to a CPR review to take all public insurance (e.g. Medicare, Medicaid and TRICARE), with a clear enforcement mechanism for violations.

7. Revise the composition of the HRB to improve quorum by the following means: accept more at-large members to prevent the consistent issue of multiple recusals; allow those that recuse themselves to still be counted toward quorum; and quorum should be based on the number of sitting members, not the number of seats, or at least five members.

8. HRB should explore models from other states to develop a model for evaluating capacity and demand for any facility or service included in HRB’s authority. Such models exist for inpatient beds of all types (acute care, Obstetric Care, Skilled Nursing Facilities, etc.), but there is no model for free standing Emergency Departments (EDs) or cardiac catheterization labs, for example.

9. Optimize administrative support processes to assure transparent and effective communications regarding the HRB activities, applications, meetings and agendas. For example, allow reports to be “considered read” into the public record without having to verbally read through the entire report during HRB meetings.

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