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January 23, 2009

Mr. John M. Colmers  
Secretary of the Maryland Department of Health and Mental Hygiene  
201 West Preston Street  
Baltimore, MD 21201

**RE: PIA Request**

Dear Secretary Colmers:

Pursuant to the Md. Code Annotated, State Government § 10-612, General Right to Information, I am requesting the following documents and information regarding chronic care hospitals, nursing facilities, and ventilator care, including:

1. The date when Hospital Transmittal No. 190 and Nursing Home Transmittal 193 (dated May 9, 2005) and Nursing Home Transmittal 202 (dated April 11, 2006) [*hereinafter Transmittals 193 and 202*] were implemented;
2. the written medical criteria used in determining chronic hospital level of care for patients seeking Medical Assistance coverage in general;
3. the written medical criteria used in determining chronic hospital level of care and nursing facility level of care for ventilator and trach-dependent patients seeking Medical Assistance coverage, including both the criteria used before and after the implementation of Transmittals 193 and 202;
4. any scoring instrument, forms, questionnaires, or other documents used in assessing Medical Assistance coverage for chronic hospital care in general, and chronic hospital ventilator or trach care and nursing facility ventilator or trach

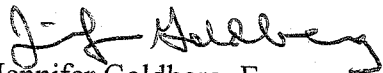
- care in particular, including both those used before and after the implementation of Transmittals 193 and 202;
5. the key to any scoring instrument which clearly identifies how such eligibility is determined, including both those used before and after the implementation of Transmittals 193 and 202;
  6. the legal context in which the standard for chronic hospital care in general, and chronic hospital and nursing facility care for ventilator-dependent or trach-dependent patients in particular, has been promulgated (e.g., nursing home transmittal, COMAR, MA Manual Release, statute, etc.);
  7. all written memoranda concerning the creation of the medical criteria for Medical Assistance coverage for chronic hospitals level of care in general, and level of care for ventilator or trach-dependent patients in chronic hospitals or nursing facilities in particular, including the creation of Transmittals 193 and 202. This includes whether this standard was reviewed by the Attorney General's office to ensure compliance with State and Federal law, and if so, any "opinion letter" the Attorney General's office may have provided and any written communications or records of meetings or oral communications with the Attorney General's office regarding the matter;
  8. all written memoranda or documentation of any communications or consultations with the legislature, legislative committees, hospital or nursing home administrators, hospital or nursing home collaborative organizations, physician organizations, nursing organizations, patient care organizations, insurance administrators and/or regulators, experts in the medical community, CMS officials or any other federal officials regarding the medical criteria for chronic hospital level of care in general, and level of care for ventilator or trach-dependent patients in chronic hospitals or nursing facilities in particular;
  9. the names and affiliations of all entities and individuals (including DHMH personnel and entities or individuals other than DHMH personnel) involved in the drafting of the Transmittals 193 and 202, or any other policy promulgations related to chronic hospitals in general, and ventilator or trach-dependent patients in chronic hospitals or nursing facilities;
  10. how the medical criteria for chronic hospital level of care in general, and level of care for ventilator or trach-dependent patients in chronic hospitals or nursing facilities in particular, has been communicated to KePro and whether KePro has been provided with training materials to implement this criteria. If so, please forward copies of the training materials;

11. the names, addresses, and phone numbers of all chronic hospitals and nursing facilities licensed to provide ventilator or trach care, and the number of beds available for ventilator or trach-dependent patients in each one;
12. the number of ventilator or trach-dependent patients who received Medical Assistance in chronic hospitals in 2005, 2006, 2007, 2008, and 2009, listing each year and facility separately;
13. the number of ventilator or trach-dependent patients who received Medical Assistance in nursing facilities in 2005, 2006, 2007, 2008, and 2009, listing each year and facility separately;
14. the number of ventilator or trach-dependent patients receiving Medical Assistance who were transferred from chronic hospitals to nursing facilities in 2005, 2006, 2007, 2008, and 2009, listing each year and facility separately;
15. the number of deaths of ventilator or trach-dependent patients receiving Medical Assistance in chronic hospitals in 2005, 2006, 2007, 2008, and 2009, listing each year and facility separately;
16. the number of deaths of ventilator or trach-dependent patients receiving Medical Assistance in nursing facilities in 2005, 2006, 2007, 2008, and 2009, listing each year and facility separately;
17. the average monthly cost to the Medical Assistance program for ventilator or trach-dependent patients receiving care in chronic hospitals in 2005, 2006, 2007, 2008, and 2009, listing each year separately;
18. the average monthly cost to the Medical Assistance program for ventilator or trach-dependent patients receiving care in nursing facilities in 2005, 2006, 2007, 2008, and 2009, listing each year separately;
19. the number of patients who had been receiving care in chronic hospitals whom the Medical Assistance program determined no longer met a chronic hospital level of care and who were discharged in 2005, 2006, 2007, 2008, and 2009, listing each year and facility separately;
  - a. Of those who were discharged in each, the number receiving ventilator or trach care, listing each year and facility separately;
20. the number of patients who had been receiving care in chronic hospitals whom the Medical Assistance program determined no longer met a chronic hospital level of care and who were discharged between September 1, 2008 and January 31, 2009, listing each facility separately;

- a. Of those who were discharged from the chronic hospital, the number of individuals who died within 30 days of discharge, and how many of those individuals were receiving ventilator or trach care, listing each facility separately.
- b. Of those who were discharged from the chronic hospital, the number of individuals who were readmitted to a hospital within 30 days of discharge, and how many of those individuals were receiving ventilator or trach care, listing each facility separately.

Thank you for your prompt attention.

Sincerely,



Jennifer Goldberg, Esq.

Assistant Director of Advocacy for Elder Law and Health Care  
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