

## Looking Ahead: Monitoring Year 2 of HCA's Compliance with its 15 Commitments at Mission Health System

*Update from the Independent Monitor, Gibbins Advisors, LLC*

By Ronald Winters

As we begin year two of our monitoring and evaluation of HCA's compliance with its 15 commitments at Mission Health, we wanted to provide an update. In our recent public meeting, conducted via Zoom on April 7, 2021, we recognized the need to clarify roles and what we do with the input gathered in these forums.

Our goals for that April 7 meeting, just as they have been for the previous seven community forums hosted in 2020, were to:

- **Remind the community** of [HCA's 15 commitments](#) made in the contract to purchase Mission Health System;
- **Inform the community** of the role of the Independent Monitor, Dogwood Health Trust and the six advisory boards that were set up in relation to HCA's 15 commitments; and, perhaps most importantly,
- **Engage with the community** to hear concerns and feedback, while providing an opportunity to ask questions.

If you were unable to attend this most recent webinar, a recording of it is on our website ([www.IndependentMonitorMHS.com](http://www.IndependentMonitorMHS.com)). We also plan to post a transcript of the oral presentation in English and Spanish, along with answers to frequently asked questions from the webinar.

### **Our Focus on the 15 Commitments**

Each of the 15 commitments is important, and they include many services provided at Mission Health facilities. However, the asset purchase agreement (APA) does not protect all services (i.e., primary care services).

While our role is limited to the 15 commitments, that does not mean that we won't consider other factors or issues brought before us. For example, we may consider in our evaluation whether changing a service that is not protected affects a service that is protected. We also consider factors that underpin the ability to provide a protected service – for example having qualified and available physicians and clinical staff.

Our evaluation requires a nuanced examination of the facts and circumstances as well as a review of data to determine whether HCA is delivering the required services listed in the APA.

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We sometimes hear concerns about quality, safety and staffing. Certainly, meeting standards in those areas can have an impact on HCA's ability to provide required healthcare services – but many of those concerns also may fall outside of the 15 commitments. What we are not able to do is resolve individual issues, such as what you might expect from a patient advocate. Issues of quality, safety and staffing at Mission Health are regulated by the **NC Department of Health and Human Services** and surveyed by accrediting bodies including notably **The Joint Commission**. If those organizations cite deficiencies, we will take that into account if it affects the 15 commitments.

**Who holds HCA accountable to these commitments?**

In our role as Independent Monitor, we carefully monitor and evaluate whether HCA is upholding its 15 commitments. We share our findings with Dogwood Health Trust, the party empowered to enforce HCA's compliance with the 15 commitments.

**Why your input matters**

We are now embarking on a formal review of HCA's second year of compliance (2020). Your input is a critical part of our evaluation process. It helps to guide areas where we may need to probe HCA for more information and could support the fact base for our evaluation.

Individual cases also help to inform our compliance evaluation, and we share all feedback with HCA. While the formal evaluation looks "backward" to the prior year, that doesn't mean we are not looking at conditions going on now. We accept real time information and use it to monitor ongoing compliance with the 15 commitments. If there is a direct, immediate violation, actions can be taken. Otherwise, we take all information into account and will use it in our formal annual evaluation of HCA's compliance.

**Continuing to engage**

The forums we held last year helped us to establish a dialogue with individuals, community interest groups and local leaders. We have maintained many of these communication channels.

As concerns or questions arise, we ask that you continue to engage with us. We will engage with HCA and follow up concerns that relate to the 15 commitments.

This year, due to COVID-19 we were forced to host our public input sessions virtually. Are they ideal means of reaching everyone, particularly those in more rural areas of the region with limited access to internet? Certainly not. We hear you. We are making plans to safely visit communities in person as soon as possible. Until then, we encourage you to continue to reach out via our [website](#) or email ([independentmonitor@gibbinsadvisors.com](mailto:independentmonitor@gibbinsadvisors.com)).

Thank you for your input and feedback.