

**DATA DELAWARE: Monday, August 19, 2019**  
**SUBJECT: Sunlight hits Delaware's "CON" program (Podcast transcript)**

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Dace Blaskovitz: Welcome back to Money and Politics in Delaware. Welcome back Bob Byrd.

Bob Byrd: Thank you Dace. How are you this morning?

Dace Blaskovitz: I am excellent, excellent. That half cup of coffee really helped me this morning. For a first time listener out there we tape on Friday, air on Saturday. And Bob Byrd is usually our regular de fact guy. He the guy that comes on, takes the heat, and the questions, and delivers the numbers on the Delaware Economic Financial Advisory Council. The independent arm. He's a past chair, current member.

Dace Blaskovitz: Today he's gonna take that hat off and put his lobbying hat on. So let's start there Bob Byrd for a first time listener. Some have called you the most powerful political figure over the last quarter century in this state of Delaware. And you do that because you're a big time lobbyist. It's your story to tell. It's you, tell it.

Bob Byrd: Well your very kind, your very kind Dace. Yes I've been doing government relations work for a long time. You know we're going to talk today about the Health Resources Planning Board. I've had the opportunity, and the pleasure of representing some clients before the Health Resources Planning Board in the last few years. It's an issue I know you're very much interested in. You know that's what we're here to talk about this morning is the Health Resources Planning Board.

Dace Blaskovitz: And one of your clients is Bayhealth, your a headline. What is it that you do for Bayhealth?

Bob Byrd: Well we consult with them on a number of issues. One of the things that Bayhealth has had as an initiative is to place an emergency room in Southern Delaware between Lewes and Georgetown. In other words, it would expand their service territory some and give them access down there. Provide and address what we think is a need down there, which is an Emergency room in the Georgetown area. So that's why we made that application to the Health Resources Planning Board. But Beebe Hospital out of Lewes, also who is trying to compete down there, they had also put a similar application in to put an Emergency room in down there as well. A free standing Emergency room just like we were. The Health Resources Planning Board in their committee meetings prior to their general vote yesterday decided to turn both of those applications down. That's where it is.

Dace Blaskovitz: Alright. And back up just a minute, make sure everybody can play along at home. Your Bayhealth proposal was an Emergency facility, if I remember correctly, somewhere between the beach and what was it, Georgetown.

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- Bob Byrd: We were between the beach and Georgetown at a place called Harbeson which is kind of halfway, more than halfway between. It is closer to Georgetown. The Beebe proposal was, I believe, actually was in Georgetown. But the Board turned them both down.
- Dace Blaskovitz: Okay. But to play fair, take a giant step back just for a minute. For a first time listener what is this Health Planning Board that you reference?
- Bob Byrd: So the Health Resources Planning Board is an advisory Board that operates within the state. And if you want to build a new healthcare facility of any kind, this Board has to approve your application. The thought process is, by them being able to approve, or disapprove, or not approve applications then that is a way of cost containment. Keeping healthcare costs under control. We can argue about whether that works or doesn't work, but that's what the board does.
- Dace Blaskovitz: And on your side, do I remember correctly, because we've had a couple conversations this week, you speak of the Planning Board denying both, but I thought, this is a question, I thought Bayhealth, your client, pulled their application.
- Bob Byrd: We did. We did pull our application earlier this week. That was a strategic move. We had been, we had received a negative response from the subcommittee, and we were pretty sure that it was going to be turned down yesterday. So rather than get turned down, we decided to pull our application, which will allow us to come back and fight another day if you will.
- Dace Blaskovitz: All right. What's that fight look like? You still want to do this facility down there, or the entity down there. I'm sure you're huddling as we speak but what will you share? Do you re-word it? What happens from here?
- Bob Byrd: Well, we are considering what the subcommittee said. And we are looking at what we think we can do and what we want to do. So what we will do is probably reword and rethink our application. Reconfigure our application and probably come back in again. Now, this is complicated stuff. I don't want to complicate the audience too much but another piece of this is that this whole board will be in the Sunset process before the legislature this year.
- Bob Byrd: The Sunset process, you and I have not talked about much. The Sunset process in the General Assembly is every year they take a look at several of the Boards and Commissions throughout the state and make a recommendation as to whether or not the Board is doing what it's supposed to do. Whether it should continue or not. Or whether it should be modified in some way. The whole Health Resource Planning Board Process is going to get looked at by the General Assembly this year.

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Dace Blaskovitz: And by the way, to cleanup something you said a couple minutes ago. I spent 42/ 43 years as a stock broker but one of my hobbies, my passions, is the state of Delaware's finances. I do that passion as a standalone unit called Data Delaware and I do it under the Caesar Rodney Institute (CRI) umbrella. And CRI had some loud and proud comments regarding the Health Planning Board's certificates of need. Anytime that you restrict the competition it seems hiney backwards defiant of common sense. You got any opinion on that subject?

Bob Byrd: Well, you know my clients are Bayhealth and I represented Healthsouth a few years ago. We want to compete in the healthcare markets. We have to go through this process and get a certificate of need. The clients that I represented very much want to do the business of healthcare and provide the services. When you've got an aging population like we do, there's an opportunity out there for healthcare people. That's just the way it works.

Dace Blaskovitz: On your side, you're the insider, these applications that the Board is, just to keep this story moving, denying, what's the logic of restricting, not allowing these?

Bob Byrd: The language they used in these particular cases was that it would help keep healthcare costs low because you would not be building more sophisticated facilities, which the Board decided were not needed. Now there's two things I know about healthcare. Number one everybody wants the best healthcare they can get. When you've got an aging population like we do, that says a lot, but you want the best healthcare you can get. Everybody also wants that little card to make sure that it's all paid for. Those are the two facts that I know about healthcare that I think are very, very important. You want to give access to as many people as you can and make it as convenient as you can. And that's what both of these applications were about.

Dace Blaskovitz: I don't want to hit a prickly subject here, but the rumor mill says even if the Board survives, and that's a big if, that the Board is having a hard time finding people to serve. You got any opinion there?

Bob Byrd: Well it's like all the Boards at that state level are having trouble finding people because it's work and it's uncompensated, and it can be rather controversial.

Dace Blaskovitz: Alright you've got thirty seconds, you got thirty seconds on your side. Tell us what happens. Walk us through the next couple of months.

Bob Byrd: I think that both of the hospitals down state will continue to press forward to do some kind of Emergency facility in Georgetown. I think the Boards going to be hard pressed to turn it down the next time. I think it will be a very controversial,

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and you'll see some headlines about what happens to the Board at the Sunset Process as we go through next year in the legislature.

Dace Blaskovitz: His name is Bob Byrd. It's the Byrd Group find him online. Fascinating guy. Absolutely the best luck to him. We're going to take a short break. We will be right back.