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*Office of the President*

April 9, 2021

Dr. James D. Fielder, Jr  
Secretary of Higher Education  
Maryland Higher Education Commission  
6 North Liberty Street  
Baltimore, MD 21201

RE: Rebuttal to New Academic Program Objection (Medical Lab Technician) made by Allegany College of Maryland

Dear Secretary Fielder:

I am in receipt of two objections to the New Program Proposal made by Hagerstown Community College on March 1, 2021 to enact an Associate of Applied Science (A.A.S.) in Medical Laboratory Technician. Since Allegany College of Maryland is party to both objections, I choose to provide a single rebuttal as to the issues raised by them, and then a separate rebuttal as to the objections raised by the other colleges. I have also included a letter from the CEO of Meritus Medical Center that I would like to have included in the record for this program review and determination.

Thank you for your consideration of this matter. I am hopeful that after examination of the law and the facts presented, you will allow HCC to proceed with its plans to begin this program.

Yours truly,

A handwritten signature in black ink, appearing to read "James S. Klauber".

James S. Klauber, PhD  
President

## **Rebuttal to Objection Made by Allegany College for Hagerstown Community College Proposal for a New A.A.S. Degree for Medical Lab Technician**

**James S. Klauber, PhD  
President, Hagerstown Community College**

Education Article §11-206.1 of the Annotated Code of Maryland and the Code of Maryland Regulations 13B.02.03.27 provide the Commission or institutions of higher education in the State to file objections to proposed programs within thirty days of receipt of notice. Such objections must be based on four particular criteria.

On March 1, 2021, Hagerstown Community College (HCC) filed its notice with the Commission to begin a new A.A.S. Degree for Medical Lab Technician. On March 30, 2021, Allegany College of Maryland (ACM) filed its objection to this new program citing subsection (3) of the relevant regulation, that if allowed to move forward the program causes “unreasonable program duplication which would cause demonstrable harm to another institution.” ACM raises no other basis for allowable objections under this regulation, so they are not considered here.

**ACM’s numbers support the need for a program at HCC and do not present demonstrable harm.**

ACM admits that its program is under enrolled. ACM repeatedly presents that three area community colleges failed in their effort to maintain MLT programs. That begs the question: why isn’t theirs full? This is not a problem brought by HCC’s proposal, as we have not started the program. Possibly under enrollment is a problem within ACM, its geographic location, and its ability to recruit students to its program. HCC should not be held responsible and penalized because ACM cannot recruit and fill its programs. That their program is under enrolled does not in and of itself present demonstrable harm or unreasonable program duplication as required by the regulation.

In ACM’s objection, they cite that 18 graduates from this program over the past decade were from Washington County. This amounts to less than 2 students a year on average. It is hardly an amount that could be considered demonstrable harm to their existing program. ACM’s data on Washington County student enrollment brings up a good point. Why should Washington County students have to drive two hours, round trip, daily in order to attend the program of their choice? This daily driving requirement is particularly hard on our minority and low income population. Public transportation options are not available, and minority groups may feel uncomfortable leaving their home surroundings for a distant college. Taking the issue of diversity, equity, and inclusion into account, demonstrable harm occurs if this program is not approved. We should make every effort to ensure that all residents have the opportunity to be trained in their home county when possible. To not allow HCC to proceed with its program is to run completely opposite of this trend.

Reviewers of this rebuttal who reside in other parts of the State may make light of the issue of distance between Cumberland and Hagerstown. The drive is long, desolate, unpopulated, and as you will read in the next section, people want no part of it. Students from Hagerstown do not want to go there. Graduates from ACM do not want to come here.

**ACM touts its proximity to HCC and number of graduates from Washington County, then what are the actual results for Washington County employers?**

In planning for the program submission, HCC held extensive discussions with Meritus Hospital, the principal employer of MLT positions in Washington County. The following is the reality of the effectiveness of the ACM MLT program in Washington County:

1. Presently there are 10 vacancies for full time MLT/MT positions. Most of these have been open for 30 or more days without applicants.
2. Allegany is graduating 8 students this year. One has applied for a position at Meritus. Meritus has been told that most ACM graduates live in the Cumberland, MD area and do not have an interest in commuting to Washington County.
3. In 2019, Meritus hired three students from the ACM graduating class. None are currently employed at Meritus. All cited the distance of the commute and finding other jobs in the Cumberland, MD area.
4. In 2020, two students rotated through Meritus during clinicals from Allegany. Neither took a position at Meritus. Reason? The commute.
5. From all the students hired from Allegany only 3 remain at Meritus. One is still commuting, one moved to Hagerstown, and one commuted from Hagerstown to school. All of the remaining graduates commuted for a short time, and then left to find positions closer to home.

It is clear from the information gathered that ACM has not been able to provide an adequate supply of graduates for Washington County employers. All parties acknowledge that there is a severe shortage of laboratory technicians. It is for this reason that HCC must be allowed to proceed with its request. ACM will continue to have significant enrollment and graduates to supply Garrett and Allegany counties, along with its ability to recruit from Martinsburg, WV and share the Pennsylvania border counties. HCC will be able to serve Washington County, Waynesboro, PA, Chambersburg, PA, and the void left in Frederick and Howard Counties without disrupting the existing clinical rotation numbers for the area.

**ACM cannot equate program closures as predictive of HCC's future.**

ACM brings forth the history of program closures at Frederick Community College, Howard Community College, Blue Ridge Community Technical College, and Fortis College – Landover as if to say, "If these colleges failed, then certainly HCC will fail, therefore they should not be given the chance to try." Such logic fails in many respects.

First, allegations such as this are tantamount to accusing a criminal defendant of a crime just because of the neighborhood in which he lives. It is inadmissible in a criminal court, and it should not be allowed in an administrative review by a state agency.

Hagerstown Community College had no involvement with those failed programs. If anything, the closure of these programs is a reason to open an MLT program at Hagerstown. Hagerstown is ideally positioned to serve not only students from Washington County, but those in Frederick as well. The commute to Hagerstown from Frederick is half that of the corresponding commute from Hagerstown to Cumberland. Students from these counties are not going to ACM, and to be successful in its objection, ACM has to show demonstrable harm. There is none here.

### **Concerns over clinical rotations do not create demonstrable harm or unreasonable duplication**

Currently, Meritus is using 2 clinical slots for ACM. Meritus is offering to provide HCC with clinical slots in addition to those used by ACM, not to the exclusion of ACM. However, clinical slots are always in short supply. In every degree program, Radiography, Nursing, MLT, they are always in short supply. If clinical slots were not an issue, then many nursing and allied health programs would be twice their present size as colleges sought to meet the present need. The shortage of clinical slots is nothing new, but it is manageable and HCC's entrance into the MLT training field will not adversely affect a loss of clinical placements.

The shortage of clinical placements does not in and of itself create an unreasonable duplication or demonstrable harm to any institution. We would agree that it would be unreasonable if there were no clinical placements. That is not the case. There is a shortage, but ACM is not using all the clinical placements available in Washington County. Those placements are currently being sought by two institutions, HCC and Penn State-Mont Alto who has reached out to Meritus for the current vacancies. If HCC's program is denied, those vacancies will not remain. They will go to Pennsylvania, to Pennsylvania students, and will not help the employment situation in Maryland at all.

Programs in Maryland and West Virginia *are closing*. Program closures mean that the students going into clinical placements are commensurately reduced with them. The hospital labs are still there, and the availability of placements remain. ACM did not absorb them with a program expansion. Their program is admittedly under enrolled. So where did they go?

MHEC found no reason to bar Howard Community College and Frederick Community College from starting MLT programs in its recent past. How then can one argue that there is an unreasonably burdensome shortage of placements when these programs have closed or are in the process of closing? This line of thought defies logic.

### **There is no present effort for partnership and collaboration among institutions**

In ACM's objection, and in the second objection letter from Salisbury University, much attention is drawn to the possibility of collaboration among existing MLT providers. This is quite the opportunity to raise such an idea. Reviewing the ACM objection, one can only note words like "could", "would", "suggested", "intent", and "potential". All of these words convey one thing: that there is no actual plan to carry any of these ideas out. Were these institutions serious about such a venture, they would have used words such as "can", "do", and "are" to explain what they are actually accomplishing to see this concept through. What was explained

in these two objection letters are pipe dreams. It's a ruse created at the last moment in effort to derail the legitimate application to MHEC for a new program.

HCC would welcome the opportunity to participate in a collaborative effort among institutions. We have a long history of partnerships across higher education. However, ACM has no intent to partner with HCC on a collaborative venture in MLT. They expressly say so in their objection letter: "A collaboration has the potential to target underserved areas while supporting existing programs." (ACM objection letter, Page 3, emphasis added). The last thing ACM wants is for Hagerstown Community College to have a medical program identical to their own in a collaborative partnership to benefit the whole state. It is clear from their objection letter that what ACM really desires is to be the sole source provider of this program for every county west of Baltimore. Forcing students to commute to the far reaches of Western Maryland in order to receive the educational program of their choice is, in and of itself, unreasonable.

### **ACM's objections fail to meet the standard set for by the applicable regulation in COMAR**

As stated at the beginning of this rebuttal, ACM must show two things in order to prevail in its objection to HCC's new program application. First, the program duplication must be unreasonable. Second, that duplication would cause demonstrable harm to another institution. Now that we have addressed the allegations made by ACM, let's take a moment to apply the facts to the standard being used to determine if HCC's program should move forward.

### **Program duplication is not unreasonable**

In the past few years two MLT programs in the Western Maryland region have closed: Frederick Community College and Blue Ridge Community Technical College in Martinsburg, WV. The program at Howard Community College is in the process of closing. Other than ACM, there is no MLT program west of Baltimore County. Yet, all stakeholders agree that there is an immense shortage of medical lab technicians. Given the shortage of supply and the dearth of programs in Central and Western Maryland, it is not unreasonable to allow another to start.

### **Allowing this program to move forward does not cause demonstrable harm to ACM**

Yes, based on the data provided by ACM, they may lose one or two students a year from Washington County. However, they can more than make that up with students from Martinsburg, WV and other locations. Even in a small program, two students a year (actually 1.8 averaged over ten years) does not constitute demonstrable harm to an entire institution.

### **Conclusion**

Before this rebuttal is closed, let me set forth the reasons MHEC should approve this program.

### **HCC is committed to this program**

Much has been made in objection letters about the low enrollment and high cost of an MLT program. All of this is true. The programs are small by their very nature. The prerequisites are challenging and that tends to make them under enrolled. However, the local demand is high.

ACM and other colleges in Maryland have not been able to supply the number of graduates necessary for our local hospital. Meritus is in danger of losing its trauma center affiliation if we do not have lab techs present to provide blood banking procedures and stat testing for its Emergency Department. The shortage is real, and something must be done to address it.

### **HCC is financially committed to support this program**

The HCC Board has heard the pleas from Meritus Hospital. They recognize the need for the College to provide more relevant health care programs in its overall program planning. The Board of Trustees is fully cognizant of the costs involved, both start up and ongoing. It is committed to seeing those through. The College has ample reserves set for fixed costs and has budgeted the recurring expenses of this program into its unit planning process. In short, we are committed in every respect to making this program successful.

### **If we don't provide it, someone else will**

In March, while this program was posted at MHEC, Meritus Hospital received a call from a Penn State – Mont Alto asking for clinical rotation slots for a Medical Lab Technician program. Meritus has politely declined since they were already in the planning stages with Hagerstown Community College. If our program is declined, those clinical slots will not go to ACM or any of the other colleges who filed objections to this program. Those slots are going to Pennsylvania, for Pennsylvania students who are never coming to Maryland to work. This is an important consideration for MHEC as it makes its deliberations.

### **Approving this program is in the best interest of Maryland and its health care providers**

While MHEC has to take into consideration the effect on sister institutions, it must also look at the best interests of Maryland. Programs have closed, there is a demand for technicians in the field, and HCC is ready to do its part to meet that demand. We realize that cohorts in the MLT training programs are small. The costs are large, but the societal costs are greater. The very ability to provide top quality health care in our region will be adversely affected if this program is not approved. Attached to this rebuttal is a letter from the CEO of Meritus Health expressing his concern over the decision pending before MHEC. We hope that you will take it into consideration in your deliberations.

If I may present any other supporting data, or respond to any questions, please do not hesitate to contact me.

Respectfully submitted,



James S. Klauber, PhD  
President



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April 7, 2021

Dr. James D. Fielder, Jr.  
Secretary of Higher Education  
Maryland Higher Education Commission  
6 North Liberty Street  
Baltimore, MD 21201

Dear Dr. Fielder:

On April 2, 2021, Dr. James S. Klauber shared that Hagerstown Community College's application for its proposed Medical Laboratory Technologist ("MLT") program is in jeopardy due to objections from several Maryland colleges. Meritus Medical Center is deeply concerned about this and decided to share with you our situation here. Our sincere hope is that Hagerstown Community College will be granted an MLT program for the upcoming academic year.

Shortage in Applicants for Medical Technologist and Medical Laboratory Technologist Positions

As of today, Meritus Medical Laboratory ("MML") has ten (10) full-time open MT/MLT positions. Despite our coordinated and increased efforts, most of them are still open for more than 30 days without applicants. COVID-19 has also magnified the demand for these valuable MT/MLT resources for hospital labs and commercial labs. Meritus has implemented a market compensation adjustment ranging from 11% to 15% to compete for qualified candidates to join our lab effective April 4, 2021. We will offer a bonus for employees who have received ASCP certification and/or assistance to employees who are attaining their MT/MLT education.

Preference for Local Education and Training

MML has been a training site for many of the institutions with MT/MLT programs. Specifically, we work with Allegany College of Maryland as it is the closest education site. Here are the exact words from our lab manager, "Allegany is graduating eight (8) students this year, and only one (1) of them has applied for a position here. I was told the rest live in the Cumberland, Maryland area and don't have an interest in commuting this far. From the 2019 class at Allegany, I hired three (3) students that had done rotations elsewhere, and all three (3) are no longer with us as they have all found jobs in the Cumberland area. In 2019, we had two students rotate through from Allegany, and one (1) applied and was hired. He has since moved to Hagerstown to avoid the commute." We asked about students from the east, Howard Community College. "In the years I have been here (and before my time), we have never hired a Howard County student because not a single one is interested in making the commute or relocating. I had even attended a job fair at the school pre-COVID to gain some interest in our facility." MT/MLT graduates are experiencing improved compensation. Still, the compensation isn't enough for them to relocate until they gain more work

experience to attain higher wages to afford relocation. We would prefer to have a local MT/MLT program with Hagerstown Community College.

Competition from Pennsylvania College

Meritus has been contacted by Penn State Monto Alto to be a training site for its MT/MLT program. We have started the conversation and will see a competing college taking our students from our community and potentially moving them away from Washington County. An MT/MLT program at Hagerstown Community College is a great way for young adults to learn and contribute to our economy with pride while serving in our community.

MML conducted about 450,000 inpatients lab procedures and 1,200,000 ambulatory lab procedures through its six (6) draw laboratory sites for our fiscal year ended June 30, 2020. We have significant growth in the current fiscal year due to a strong microbiology department with the capability to conduct COVID-19 testing. We need more MT/MLT graduates, especially from our local community college to support our Level 3 Trauma emergency department, surgery, and ambulatory outreach operations.

Your favor to grant Hagerstown Community College to commence its MT/MLT program would be greatly appreciated and impactful to our community.

Sincerely,



John G. Newby, M.D.  
Medical Director  
Meritus Medical Laboratory



Maulik S. Joshi, Dr. P.H.  
President & CEO  
Meritus Medical Center