M00B0103 Office of Health Care Quality Maryland Department of Health

Executive Summary

The Office of Health Care Quality (OHCQ) is the agency within the Maryland Department of Health mandated by State and federal law to determine compliance with the quality of care and life standards for a variety of health care services and programs in the State.

Operating Budget Data

(\$ in Thousands)

	FY 18 <u>Actual</u>	FY 19 Working	FY 20 Allowance	FY 19-20 Change	% Change Prior Year
General Fund	\$13,037	\$13,917	\$15,733	\$1,816	13.0%
Adjustments	0	511	389	-121	
Adjusted General Fund	\$13,037	\$14,427	\$16,122	\$1,695	11.7%
Special Fund Adjustments	566 0	536 0	661 2	125 2	23.3%
Adjusted Special Fund	\$566	\$536	\$663	\$127	23.7%
Federal Fund Adjustments	6,525 0	6,962 242	7,460 151	498 -90	7.2%
Adjusted Federal Fund	\$6,525	\$7,204	\$7,612	\$408	5.7%
Adjusted Grand Total	\$20,128	\$22,167	\$24,397	\$2,229	10.1%

Note: The fiscal 2019 appropriation includes deficiencies, a one-time \$500 bonus, and general salary increases. The fiscal 2020 allowance includes general salary increases.

• The 10.1% increase in the budget over fiscal 2019 is driven by personnel expenses, included new employees.

Note: Numbers may not sum to total due to rounding.

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Personnel Data

	FY 18 <u>Actual</u>	FY 19 <u>Working</u>	FY 20 Allowance	FY 19-20 Change			
Regular Positions	191.70	200.70	211.00	10.30			
Contractual FTEs	<u>5.69</u>	<u>15.00</u>	12.50	<u>-2.50</u>			
Total Personnel	197.39	215.70	223.50	7.80			
Vacancy Data: Regular Positions							
Turnover and Necessary Vacancies, Positions	Excluding New	12.06	6.12%				
	0.10/01/10		0.00				
Positions and Percentage Vacant as of	of 12/31/18	24.00	11.96%				

- 10 new positions are added in an effort to gradually increase staffing levels needed for OHCQ to meet statutory inspection and monitoring requirements.
- Vacancy rates, departmentwide, have increased sharply in recent months.

Key Observations

• OHCQ continues to fall short of its inspection and monitoring goals due to low staffing levels with vacancies throughout the department.

Operating Budget Recommended Actions

1. Concur with Governor's allowance.

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Operating Budget Analysis

Program Description

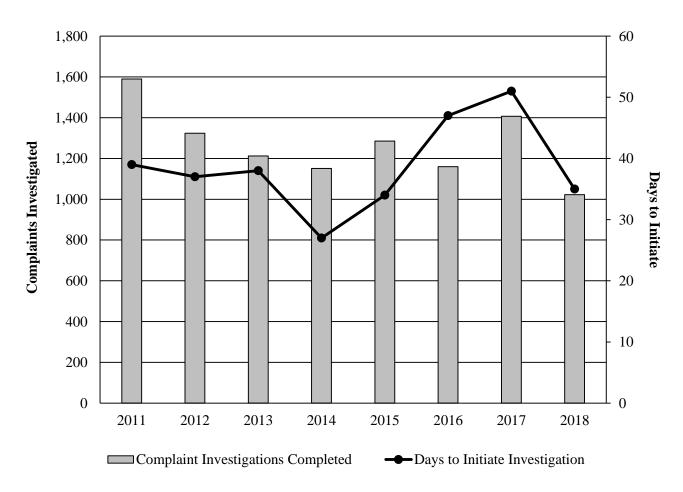
The Office of Health Care Quality (OHCQ) is the agency within the Maryland Department of Health mandated by State and federal law to determine compliance with the quality of care and life standards for a variety of health care services and programs. Facilities and services are reviewed on a regular basis for compliance with the State regulations as well as compliance with federal regulations in those facilities participating in Medicare and Medicaid. OHCQ is organized into six units that have separate facility licensing and regulatory responsibility: Clinical and Forensic Laboratories Unit; Developmental Disabilities Unit; Ambulatory Care Unit; Assisted Living Unit (ALU); Long Term Care Unit; and Hospital Unit.

Performance Analysis: Managing for Results

1. Nursing Home Complaint Investigations Continue to Fall Short

Federal and State regulations require the investigation of complaints and incidents that allege actual harm. The OHCQ Long Term Care Unit is responsible for these investigations as well as monitoring, licensing, and certification of all nursing homes in the State. One of the performance measures of OHCQ is to initiate investigations alleging actual harm within 16 days. However, current State and federal regulations require these investigations be initiated within 10 days. **Exhibit 1** shows the number of these types of investigations and the average number of days to initiate the investigation. OHCQ has succeeded in reducing the days to initiate an investigation in fiscal 2018. As this unit is increasing its staffing capacity, it is reporting improvements in this measure with the second quarter of fiscal 2019 averaging 27 days to initiate an investigation. However, it does not anticipate being able to initiate investigations of actual harm within 10 days until it is fully staffed and has new surveyors trained, currently projected for fiscal 2025.

Exhibit 1 Nursing Home Complaints Alleging Actual Harm Fiscal 2011-2018



Source: Governor's Fiscal 2020 Budget Books

Exhibit 2 outlines the estimated incremental staffing requirements by OHCQ to achieve the 10-day requirement within the Long Term Care Unit. The fiscal 2020 budget includes requested positions for the Long Term Care Unit.

Exhibit 2 Long Term Care Unit Additional Staffing Needs Fiscal 2020-2024

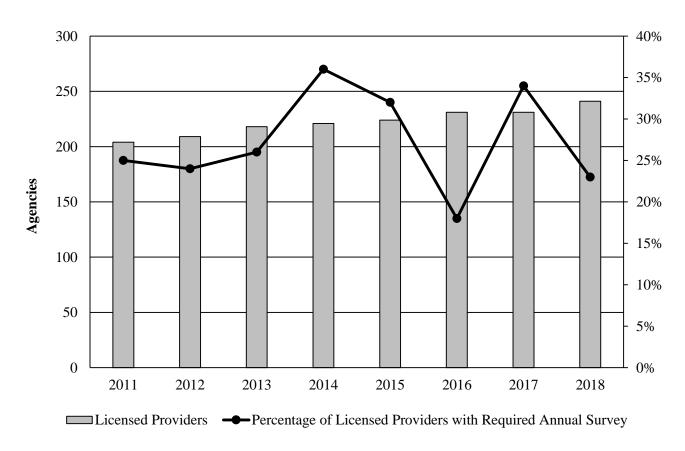
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	Total <u>Need</u>
Coordinator	1	0	0	1	0	2
Sanitarian (Surveyor)	0	1	0	0	0	1
Nurse Surveyor	3	2	3	3	3	14
Physician Surveyor	0	1	0	0	0	1
Nurse Trainer (Surveyor)	0	0	0	0	0	0
Total Long Term Care Unit Need	4	4	3	4	3	18

Source: Office of Health Care Quality

2. Developmental Disabilities Facilities Surveys Below Target

The OHCQ Developmental Disabilities Unit (DDU) evaluates, monitors, and recommends licensure for all community residential, day habilitation, vocational, and support services provided for individuals receiving funding through the Developmental Disabilities Administration. In fiscal 2018, there were 241 of these agencies operating 3,020 sites statewide. The Managing for Results (MFR) goal for DDU is to conduct required annual surveys for 45% of these agencies. **Exhibit 3** shows that DDU continued to fall well short of this goal in fiscal 2018.

Exhibit 3
Survey of Developmental Disabilities Agencies
Fiscal 2011-2018



Source: Governor's Fiscal 2020 Budget Books

As Exhibit 3 shows, DDU has not met this goal in the last several years. However, OHCQ does forecast being able to conduct at least 45% of its required surveys by 2020. It should be noted that these surveys are statutorily mandated and full compliance would be OHCQ conducting 100% of the relicensure surveys annually. Considering the current shortfall of the MFR goal, and even greater distance from 100% compliance, OHCQ reports that DDU needs an additional 19 regular positions from fiscal 2020 to 2024 to fully staff the unit, outlined in **Exhibit 4**. The fiscal 2020 budget includes positions required by DDU.

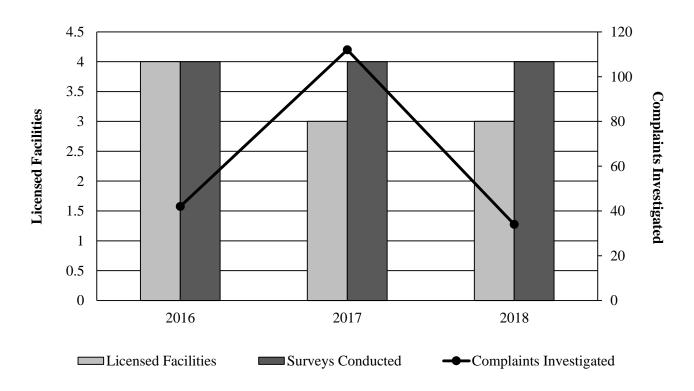
Exhibit 4
Developmental Disability Unit Additional Staffing Needs
Fiscal 2020-2024

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	Total <u>Need</u>
Coordinator	0	0	1	0	1	2
Nurse Surveyor	2	2	2	2	2	10
Coordinator of Special Programs IV (Surveyor)	1	1	2	2	1	7
Office Secretary II	0	0	0	0	0	0
Total Developmental Disability Unit Need	3	3	5	4	4	19

Source: Office of Health Care Quality

DDU also oversees the regulation and licensure of Forensic Residential Centers and Intermediate Care Facilities for Individuals with Intellectual Disabilities. These facilities are less prevalent than the developmental disabilities agencies, and **Exhibit 5** shows how many are operating in the State, the number of surveys completed, and the number of complaints investigated at these facilities.

Exhibit 5 Other Facilities Monitored and Surveyed by DDU Fiscal 2016-2018



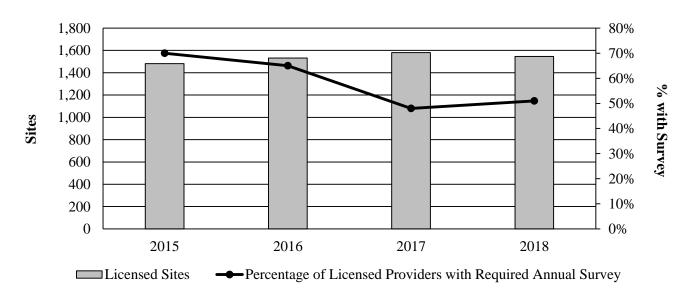
DDU: Developmental Disabilities Unit

Source: Office of Health Care Quality

3. Monitoring at Assisted Living Facilities Shows Slight Progress but Still Falls Short

The third MFR goal of OHCQ pertains to the monitoring of assisted living programs, of which there were 1,546 statewide in fiscal 2018. The OHCQ unit that is responsible for this oversight is ALU, which aims to perform 80% of required annual surveys. As shown in **Exhibit 6**, these surveys are also below the MFR goals, although showing slight improvement over the previous year, after consecutive years of decline.

Exhibit 6 Surveys and Number of Assisted Living Programs Fiscal 2015-2018



Source: Governor's Fiscal 2020 Budget Books

Similar to the other OHCQ units performing below MFR standards, the department has outlined the staffing needs of ALU to meet statutory requirements. **Exhibit 7** shows the current anticipated need for surveyors within ALU. The fiscal 2020 budget includes the required positions for ALU.

Exhibit 7
Assisted Living Unit Additional Staffing Needs
Fiscal 2020-2024

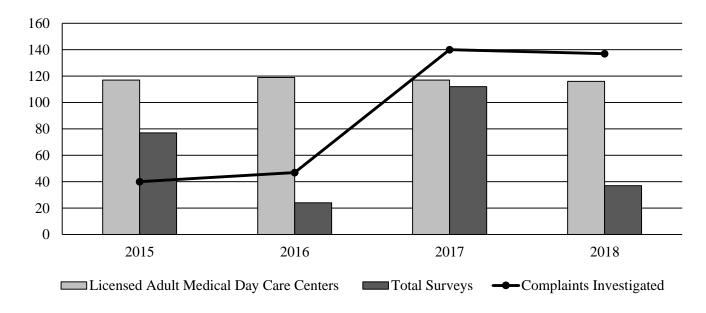
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	Total <u>Need</u>
Coordinator	0	1	0	0	0	1
Nurse Surveyor	1	1	2	1	1	6
Total Assisted Living Unit Need	1	2	2	1	1	7

Source: Office of Health Care Quality

As shown in **Exhibit 8**, ALU also has responsibility over the monitoring, investigating, and regulation of Adult Medical Day Care Centers. There are fewer of these programs in the State, but there has been an increase in complaints requiring investigation in recent years.

Exhibit 8

Adult Medical Day Care Centers: Number, Surveys, and Complaints
Fiscal 2015-2018



Source: Office of Health Care Quality

Fiscal 2019 Actions

Proposed Deficiency

The fiscal 2020 budget includes a proposed fiscal 2019 deficiency appropriation of \$623,560 for the emergency relocation of the OHCQ offices from the Spring Grove Hospital Center to a facility in Columbia. The OHCQ office at Spring Grove Hospital Center was in a refurbished building on the hospital campus. The office received water damage in May 2018, requiring OHCQ to relocate. The deficiency appropriation is to prepare the new location for OHCQ's move. OHCQ began operations out of the new location as of January 7, 2019. Of the total \$623,560 of this deficiency, \$417,785 is general funds with the remaining \$205,775 federally funded.

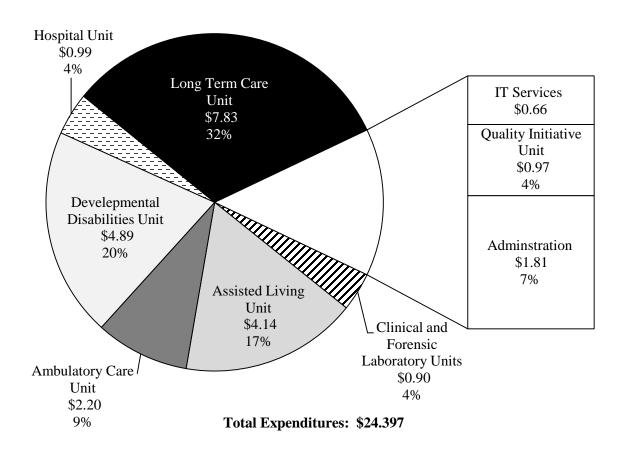
Additionally, the fiscal 2020 budget includes \$108,041 and \$21,017 in fiscal 2019 deficiency funding for statewide regular employee one-time bonuses and general salary increases, respectively, in OHCQ.

Fiscal 2020 Allowance

Overview of Agency Spending

OHCQ fiscal 2020 proposed budget is \$24,396,728. OHCQ is organized into six different units that provide oversight of different health care facilities throughout the State. **Exhibit 9** shows how the expenditures are distributed throughout the different units. Additionally, OHCQ dedicates some resources to services that assist all of the different monitoring units, including administrative expenses, information technology solutions, and quality performance measures, also itemized in Exhibit 9.

Exhibit 9
Overview of Agency Spending
Fiscal 2020
(\$ in Millions)



IT: information technology

Source: Governor's Fiscal 2020 Proposed Budget

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OHCQ's expenditures are dedicated to personnel expenditures, with regular employees' salaries, wages, and benefits accounting for \$20,702,387 of its overall fiscal 2020 budget, nearly 85% of the total expenditures.

Proposed Budget Change

How Much It Grows:

Fiscal 2018 Actual

The fiscal 2020 budget for OHCQ increases by \$2,229,268 in fiscal 2020, 10.1%, driven by an increase in personnel expenses, both with new and existing regular employees, as shown in **Exhibit 10**.

Exhibit 10 Proposed Budget MDH – Office of Health Care Quality (\$ in Thousands)

Special

Fund

\$566

Federal

Fund

\$6,525

Total

\$20,128

General

Fund

\$13,037

1 iscai 2010 i ictaai	Ψ13,037	Ψ500	Φ0,525	Ψ20,120		
Fiscal 2019 Working Appropriation	14,427	536	7,204	22,167		
Fiscal 2020 Allowance	<u>16,122</u>	<u>663</u>	<u>7,612</u>	<u>24,397</u>		
Fiscal 2019-2020 Amount Change	\$1,695	\$127	\$408	\$2,229		
Fiscal 2019-2020 Percent Change	11.7%	23.7%	5.7%	10.1%		
Where It Goes:						
Personnel Expenses				\$2,299		
Employee and retiree health insurance	ce				\$1,410	
Increases for 10.0 FTE new regular of distribution of new employees. Al OHCQ	so includes incr	eases for 4 e	mployees mov	ving within	685	
Increase in current employee regular earnings, including annualization of fiscal 2019 2% general salary increase						
Fiscal 2020 general salary increase and annualization of 0.5% fiscal 2019 general salary increase effective April 1, 2019						
Retirement system contributions						
0.3 FTE workload increase in existi program administrator with the workload for a nurse surveyor in	Quality Initiati	ves Progran	n and a 0.1 i	ncrease in	25	
Other regular employee fringe benefits						
Fiscal 2019 one-time \$500 employee bonuses						
Miscellaneous adjustments						
Increase in turnover expectancy from 2.89% to 6.12%						

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Where It Goes:

Other Changes -\$70	
Increases in rent expenses at the new OHCQ facility	\$478
Office and library supplies	147
Increase in cell phone expenditures	84
Net decrease of 2.5 contractual employees, 3 office secretaries, 1 administrator, and a 0.5 FTE Long Term Care Facility supervisor, offset by the addition of 2 contractual	
FTE policy analysts	-12
DoIT services allocation	-21
Decrease in information technology service contract expenses	-22
Decrease in in-state travel driven by reductions in budgeted travel for Long Term Care Unit and developmental disabilities programs due to increased staffing in those areas	-54
Decrease in nursing assistant certification expenses for the Long Term Care Unit paid to the State Board of Nursing	-89
Deficiency appropriation in fiscal 2019 for improvements to prepare OHCQ new facility, partially offset by one-time building improvements and preparations carried into fiscal 2020	-583
Other	-303
	-
Total	\$2,229

DoIT: Department of Information Technology

FTE: full-time equivalent

MDH: Maryland Department of Health OHCQ: Office of Health Care Quality

Note: Numbers may not sum to total due to rounding.

Personnel

The most significant increases in the 2020 budget for OHCQ are personnel related with significant increases due to health insurance, other benefits, general salary increases, and increases in regular earnings. OHCQ also added 10 new regular employees, as mandated by Chapter 454 of 2018. **Exhibit 11** outlines the positions, the program in which the new employees will be working, and the related expenditures for each program unit.

Exhibit 11 OHCQ New Positions Fiscal 2020

Program/Unit	2020 Allowance <u>Positions</u>	2020 Allowance Expenditures
Administration		
Administration Officer II	1	\$50,588
Assisted Living Unit		
Nurse Surveyor I	1	\$60,967
Developmental Disability Unit		
Coordinator	1	\$53,812
Nurse Surveyor I	2	121,934
Developmental Disabilities Unit Subtotal	3	\$175,746
Information Technology		
Computer Network Specialist I	1	\$57,272
Long Term Care Unit		
Coordinator	1	\$57,272
Nurse Surveyor I	3	182,901
Long Term Care Subtotal	4	\$240,173
Total New Positions	10	\$584,746

OHCQ: Office of Health Care Quality

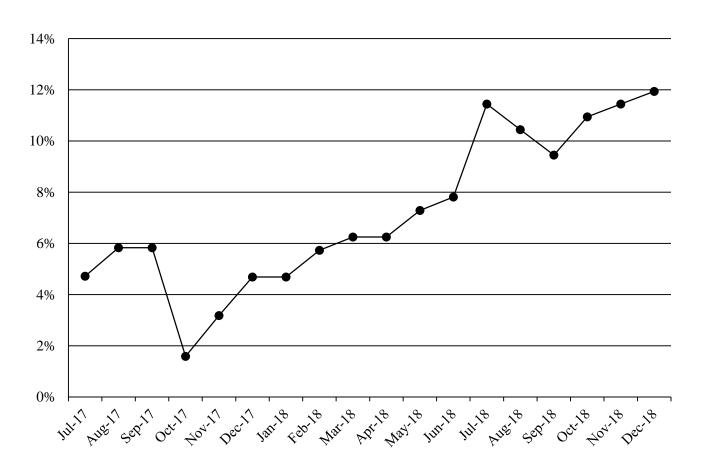
Source: Governor's Fiscal 2020 Proposed Budget

The new regular employees in fiscal 2020 align with the needs identified by OHCQ in Exhibits 2, 4, and 7.

OHCQ Vacancy Rates

OHCQ's vacancy rate has increased to 11.96% as of December 31, 2018, with 24 vacant positions. As shown in **Exhibit 12**, even accounting for new positions added to the budget in fiscal 2019, vacancies have been steadily increasing in recent months. **Exhibit 13** shows these vacancies, where they are located within OHCQ, and the job titles. The majority of these positions are located within the surveying functions of the department with nurse surveyors consisting of the largest group of vacancies.

Exhibit 12 Historical Vacancy Rate Fiscal 2018-2019



Source: Maryland Department of Health

Exhibit 13 OHCQ Vacancies Fiscal 2019

Unit/Position Title	Current Vacancies	Vacancy Rate
Administration		7.7%
Administrative Officer	1	
Ambulatory Care Unit		5.0%
Nurse Surveyor I	1	
Assisted Living Unit		
Administrator	1	
Nurse Surveyor I	3	
Office Clerk	1	
Assisted Living Unit Subtotal	5	13.9%
Developmental Disability Unit		
Nurse Surveyor I	2	
Nurse Surveyor II	1	
Developmental Disability Unit Subtotal	3	6.7%
Hospital Unit		
Administrative Aide	1	
Nurse Surveyor II	1	
Program Manager II	1	
Hospital Unit Subtotal	3	42.9%
Information Technology		
Computer Network Specialist	1	
Computer Network Specialist - Lead	1	
Information Technology Subtotal	2	33.3%
Long Term Care Unit		
Fire Safety Inspector	1	
Health Facility Survey Coordinator	1	
Nurse Surveyor I	3	
Nurse Surveyor II	2	
Physician Program Specialist	1	
Sanitarian Surveyor	1	
Long Term Care Unit Subtotal	9	16.1%
Total	24	11.96%
OHOO. Office of Health Composition		

OHCQ: Office of Health Care Quality

Source: Maryland Department of Health

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The current vacancy rate for nurse surveyors is 13.28%, excluding new positions. Nurse surveyors are included in the registered nurses classifications that will receive a one-grade salary increase under the fiscal 2020 annual salary review.

The department should comment on the current vacancy rate with officewide and nurse surveyors positions, specifically efforts being made to retain current employees, as well as recruitment efforts to fill existing vacancies and new positions.

Operating Budget Recommended Actions

1. Concur with Governor's allowance.

Appendix 1
Current and Prior Year Budgets
Maryland Department of Health – Office of Health Care Quality
(\$ in Thousands)

	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>
Fiscal 2018					
Legislative Appropriation	\$13,034	\$536	\$6,800	\$0	\$20,369
Deficiency/Withdrawn Appropriation	-154	0	-77	0	-231
Cost Containment	-56	0	0	0	-56
Budget Amendments	230	118	-182	0	166
Reversions and Cancellations	-17	-89	-15	0	-120
Actual Expenditures	\$13,037	\$566	\$6,525	\$0	\$20,128
Fiscal 2019					
Legislative Appropriation	\$13,802	\$536	\$6,919	\$0	\$21,257
Budget Amendments	115	0	43	0	158
Working Appropriation	\$13,917	\$536	\$6,962	\$0	\$21,415

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. Numbers may not sum to total due to rounding.

Fiscal 2018

Actual expenditures for the Office of Health Care Quality (OHCQ) were \$241,402 below the legislative appropriation. Section 19 of the fiscal 2019 Budget Bill withdrew \$231,104 due to a surplus in the health insurance account. The majority of this reduction was \$154,244 in general funds with the remaining \$76,860 reduction coming from federal funds.

Budget amendments increased OHCQ's budget by \$165,952. OHCQ saw increases through budget amendments in general and special funds of \$229,763 and \$118,274, respectively. General fund increases included \$167,926 to cover increased turnover and \$24,961 to fund increased health insurance expenditures. The special fund increase was to account for the increased costs of Health Care Quality Accounts grants issued that are funded by civil money penalty fees.

However, these increases were offset by an \$182,085 reduction in federal funds. Increases of \$130,000 in federal funds to cover salary costs and \$66,430 for the costs of replacement vehicles were more than offset by a \$378,515 federal fund reduction in anticipated Centers for Medicare and Medicaid Services claims.

OHCQ reverted and canceled \$120,466 in total funds. The largest such cancellation was \$88,576 of special funds. The OHCQ budget's special funds are distributed as Health Care Quality Accounts grants, and the cancellation of special funds is due to fewer grants being awarded than anticipated.

Fiscal 2019

The fiscal 2019 working appropriation is \$158,047 above the legislative appropriation. Of this amount, \$115,315 is general funds with the remaining \$42,732 federal funds. All of this increase is related to employee salaries with \$106,086 of the general funds and all of the federal funds being transferred for the centrally budgeted 2% general salary increase in fiscal 2019. The remaining \$9,229 was provided to the Maryland Department of Health security attendants under the annual salary review.

Appendix 2
Object/Fund Difference Report
Maryland Department of Health – Office of Health Care Quality

		FY 19			
	FY 18	Working	FY 20	FY 19 - FY 20	Percent
Object/Fund	Actual	Appropriation	Allowance	Amount Change	Change
Positions					
01 Regular	191.70	200.70	211.00	10.30	5.1%
02 Contractual	5.69	15.00	12.50	-2.50	-16.7%
Total Positions	197.39	215.70	223.50	7.80	3.6%
Objects					
01 Salaries and Wages	\$ 16,969,282	\$ 18,274,509	\$ 20,159,648	\$ 1,885,139	10.3%
02 Technical and Special Fees	291,401	703,192	691,196	-11,996	-1.7%
03 Communication	112,120	76,633	180,026	103,393	134.9%
04 Travel	339,834	270,410	208,836	-61,574	-22.8%
07 Motor Vehicles	318,428	184,543	172,564	-11,979	-6.5%
08 Contractual Services	842,614	916,029	763,347	-152,682	-16.7%
09 Supplies and Materials	91,782	67,672	214,709	147,037	217.3%
10 Equipment – Replacement	195,074	19,723	21,000	1,277	6.5%
11 Equipment – Additional	39,438	0	0	0	0.0%
12 Grants, Subsidies, and Contributions	565,569	535,871	532,663	-3,208	-0.6%
13 Fixed Charges	362,016	366,260	910,000	543,740	148.5%
Total Objects	\$ 20,127,558	\$ 21,414,842	\$ 23,853,989	\$ 2,439,147	11.4%
Funds					
01 General Fund	\$ 13,036,675	\$ 13,916,851	\$ 15,732,982	\$ 1,816,131	13.0%
03 Special Fund	565,569	535,871	660,861	124,990	23.3%
05 Federal Fund	6,525,314	6,962,120	7,460,146	498,026	7.2%
Total Funds	\$ 20,127,558	\$ 21,414,842	\$ 23,853,989	\$ 2,439,147	11.4%

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.

Appendix 3
Fiscal Summary
Maryland Department of Health – Office of Health Care Quality

Program/Unit	FY 18 <u>Actual</u>	FY 19 <u>Wrk Approp</u>	FY 20 Allowance	<u>Change</u>	FY 19 - FY 20 <u>% Change</u>
03 Office of Health Care Quality	\$ 20,127,558	\$ 21,414,842	\$ 23,853,989	\$ 2,439,147	11.4%
Total Expenditures	\$ 20,127,558	\$ 21,414,842	\$ 23,853,989	\$ 2,439,147	11.4%
General Fund	\$ 13,036,675	\$ 13,916,851	\$ 15,732,982	\$ 1,816,131	13.0%
Special Fund	565,569	535,871	660,861	124,990	23.3%
Federal Fund	6,525,314	6,962,120	7,460,146	498,026	7.2%
Total Appropriations	\$ 20,127,558	\$ 21,414,842	\$ 23,853,989	\$ 2,439,147	11.4%

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.