



COMMISSION ON AGING

SB 0376 - Health Facilities – Delegation of Inspection Authority – Nursing Homes
House Health and Government Operations Committee
FAVORABLE
March 27, 2025

TO: Chair Pena-Melnyk, Vice Chair Cullison, and members of the Committee

FROM: Linda R. Bergofsky

I am once again submitting testimony as Co-Chair of the Montgomery County Commission on Aging. The Commission is authorized by the Older Americans Act, P.L. 116-131, and was established by Montgomery County in 1974 to advise County government on the needs, interests, and issues of concern to its older residents, and to advocate on their behalf at the local, state and national levels. I want to acknowledge Senator Kramer for sponsoring this bill and Delegate Cullison for sponsoring the companion bill in the House.

State surveyors are required to conduct health and safety inspections of nursing homes for compliance with Medicare and Medicaid regulations. These surveys are supposed to happen, on average, once every 12 months. **The Commission strongly supports this bill because 29 of the 34 nursing homes in Montgomery County still have no documented inspection by the State Office of Health Care Quality (OHCQ) in more than 2 years.** Those 29 facilities are home to more than 3,000 of our most vulnerable residents. They deserve better from the State.

The information on nursing home inspections that I'm citing comes from the Centers for Medicare and Medicaid Services' (CMS) Provider Database that was released on February 1, 2025. Since I first testified on this issue using data from December 2024, OHCQ has documented two additional inspections in Montgomery County. Two nursing homes. That is the extent of OHCQ's progress in clearing a backlog of inspections it has testified will take three years to clear using staff and consultants.

It is unacceptable that the State has been allowed to not do its job for the last 4 years, when it decided to not renew a Memorandum of Understanding (MOU) with the Montgomery County Department of Health to conduct annual inspections as well as complaint inspections assigned by the State. During the time that Montgomery County operated under this MOU, County surveyors met all expectations and fulfilled all obligations. Importantly, the County stands ready to take on this obligation again.

When I testified before this Committee on February 6 asking for a favorable report, I was joined by current and former Long-Term Care Ombudsmen, AARP, MACO, and CommuniCare Health (a nursing home chain that operates facilities in Maryland), as well as the County's Assistant Chief Administrative Officer. The only testimony asking for an unfavorable report came from

OHCQ. Members of this Committee tried in earnest to understand the State's professed concern that delegation would cost more than if the State retained full responsibility. However, the State's math didn't add up then and it doesn't add up now. The State never provided any basis for its increased cost estimates that went into the Fiscal Note and more importantly, it never took responsibility for grievously mismanaging its budgeted resources and leaving nursing home residents in the lurch. Their excuses rang hollow in February and nothing has changed. The glacial pace of inspections continues to put nursing home residents in jeopardy.

Allowing counties to act on delegated authority to conduct periodic nursing home inspections means nursing homes will be inspected on a timelier basis, thus uncovering non-compliance with health and safety standards that can be addressed and monitored. To better protect nursing home residents in Montgomery County and across the State, **I respectfully urge this committee to return a favorable report on SB376.**

Sincerely,

Linda R. Bergofsky

Linda R. Bergofsky
CoA Co-Chair