



Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, DrPH, MHSA, Acting Secretary

March 31, 2025

The Honorable Joseline Peña-Melnyk
Chair, Health and Government Operations Committee
240 Taylor House Office Building
Annapolis, MD 21401-1991

Dear Chair Peña-Melnyk and Committee Members:

This letter is in response to questions raised by the Health and Government Operations Committee during the March 27, 2025, hearing on Senate Bill (SB) 376 - Health Facilities - Delegation of Inspection Authority - Nursing Homes.

The Office of Health Care Quality (OHCQ) is the designated State survey agency in Maryland and is authorized to conduct certification activities on behalf of the Centers for Medicare & Medicaid Services (CMS). Through State and federal authority, OHCQ conducts surveys to determine compliance with State licensure and/or federal certification regulations, which establish the minimum requirements to remain licensed and/or certified.

The Maryland Department of Health (MDH) is providing nursing home survey data by county for the total number of Annual Surveys completed in FY24 and FY25. In summary, as of June 30, 2024 (end of FY24), our statewide timely annual survey completion rate was 21.2%. As we approach the end of FY25, our completion rate has nearly tripled and is at 59%, with three months remaining in the fiscal year.

CMS nursing home data on the Care Compare website typically lags behind real-time events by 3-6 months due to the complex process required to ensure accuracy, standardization, and regulatory compliance across all U.S. nursing homes. As a result, recent improvements made by the OHCQ—such as the increased completion of annual surveys, corrective actions, or enforcement efforts—will not be reflected immediately on Care Compare. The system is designed to provide a historical snapshot, not real-time oversight updates.

As requested, MDH is providing “Tier” data.¹ Notably, annual surveys are not the only of the types of investigations included in Tier 1. Tier 1 surveys also include revisits and immediate jeopardy investigations. OHCQ surveyors conduct nursing home complaint investigations concurrently with scheduled Annual Surveys. In FY24, OHCQ cleared 4,567 “intakes,” which include investigations

¹ CMS uses a tiered system to prioritize surveys and enforcement actions based on the severity and scope of noncompliance found during inspections. This system helps identify the most serious problems that could affect resident health and safety.

related to complaints and also investigations for facility-reported events. Thus far in FY25 (as of 2/24/25), OHCQ has cleared 6,795 “intakes.” This is a 49% decrease in total pending complaints since July 2024.

ASPEN (the Automated Survey Processing Environment), the federal database used by CMS to track nursing home inspections and enforcement, does not include “county” as a standard searchable or exportable data field. Instead, since CMS partners with State Survey Agencies for oversight, it organizes information by individual facility identifiers and state-level jurisdictions, not counties. Due to this database limitation, OHCQ must manually extract and count county-specific data on completed complaint investigations. This added step makes county-level reporting more complex and resource-intensive. To provide accurate county-level reporting, we would need additional time to cross-reference and compile the data from multiple sources.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs, at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Niles Kalyanaraman', with a stylized flourish at the end.

Niles Kalyanaraman, MD
Deputy Secretary, Public Health Services