



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 26, 2026

The Honorable Heather Bagnall  
Chair, House Health Committee  
240 Taylor House Office Building  
Annapolis, MD 21401-1991

### **RE: House Bill 945 – Nursing Homes - Complaints - Notification and Consultation – Letter of Concern**

Dear Chair Bagnall and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of concern for House Bill (HB) 945 - Nursing Homes - Complaints - Notification and Consultation. HB 945 requires the Office of Health Care Quality (OHCQ) to provide notice to, consult with, and coordinate with the Local Health Department (LHD) for the county in which a nursing home is located when OHCQ initiates an investigation of a nursing home complaint alleging actual harm or immediate jeopardy to a resident.

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.

OHCQ supports the intent of this legislation to enhance local coordination and communication. Local Health Officers are vital partners in Maryland's public health efforts, and both OHCQ and the LHDs operate in close strategic alignment to provide a cohesive support and response network for the communities served.

OHCQ is concerned with the requirement in HB 945 for immediate notification to the LHD that an investigation is being initiated. OHCQ is obligated to follow strict federal rules that investigations must be unannounced. Federal regulations CFR § 488.307 and Maryland Health General 19-308 require surveys, including complaint surveys, to be unannounced. Mandatory advance notification beyond OHCQ increases the risk of inadvertent disclosure and could compromise the integrity of unannounced complaint investigations. CMS may impose sanctions on the State survey agency for failure to ensure surveys are unannounced.

In addition, OHCQ is concerned about the language “consult with the local health officer on the complaint investigation and response”. While OHCQ values coordination and collaboration with LHDs on long-term care facilities in their communities, OHCQ is concerned that the language as

written would require sharing a level of information in a way that is tightly regulated and restricted by CMS.

The Department would welcome the opportunity to work with the Sponsor and the Committee to strengthen communication and transparency between OHCQ and the Local Health Officers, within our legal authority. If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at [Meghan.Lynch@maryland.gov](mailto: Meghan.Lynch@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Meena Seshamani', with a stylized flourish at the end.

Meena Seshamani, M.D., Ph.D  
Secretary of Health