



## DEPARTMENT OF HEALTH

*Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary*

March 1, 2024

The Honorable Pamela Beidle  
Chair, Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 825 - Health Facilities – Delegation of Inspection Authority – Related Institutions and Nursing Homes – Letter of Opposition**

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of opposition for Senate Bill (SB) 825 - Delegation of Inspection Authority – Related Institutions and Nursing Homes.

The Office of Health Care Quality (OHCQ) is the agency within the Maryland Department of Health (the Department) charged with monitoring compliance in certain health care facilities and community-based programs, including related institutions and nursing homes. 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.

State licensure and federal certification oversight are applied to all nursing homes across the State as a whole. CMS prioritizes certification and recertification activities by defining tiers of surveys and a triage system for complaints. This prioritization of survey activities best protects the health and safety of patients across Maryland. If a nursing home annual survey is due in one area of the State, but a very serious complaint is received in another area, the surveyors investigate the very serious complaint first. A centralized regulatory system in Maryland administered through OHCQ provides equal protection and regulatory oversight for all of Maryland's nursing home residents. Fragmenting OHCQs oversight activities by counties and by state vs federal authority will lead to increased complexity, redundant efforts, and increased cost that would not ultimately benefit the residents of the state.

SB 825 will have significant operational and fiscal impact at both the State and local level. This bill requires that the Department's Secretary delegate inspection authority to a unit of local government, upon the unit's request. A "unit of local government" is not defined, but the

common definition includes a county, city, town, township, parish, or village. Thus, a county as well as a city within the county could both request the Secretary's authority.

The Department has developed and is implementing a plan to resolve the overdue and pending nursing home surveys. OHCQ has been successful at filling vacancies over the past year. Currently, the Long Term Care Unit has only 5 nurse surveyor vacancies. The job posting for these nurse surveyor positions closed on February 27, 2024. The Governor's FY 2025 Allowance includes 11 new nurse surveyor positions for the Long Term Care unit. The allowance also includes \$3.9 million for contractual certified nurse surveyors to complete overdue and pending nursing home surveys. This combination of circumstances - filling the nurse surveyor vacancies, receiving additional nurse surveyor positions, and using contractors - will allow OHCQ to catch up on mandated activities across Maryland.

The Department appreciates local governments' concern regarding nursing home inspections and intends to work with counties who are interested in this authority to explore possible options.

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

Sincerely,



Laura Herrera Scott, M.D., M.P.H.  
Secretary