



# Montgomery County

## Office of Intergovernmental Relations

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**SB 825**

**DATE: March 28, 2024**

**SPONSOR: Senator Kramer**

**ASSIGNED TO: Health and Government Operations**

**CONTACT PERSON: Leslie Frey** (leslie.frey@montgomerycountymd.gov)

**POSITION: FAVORABLE (Department of Health and Human Services)**

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### **Health Facilities – Delegation of Inspection Authority – Related Institutions and Nursing Homes**

Senate Bill 825 requires the Secretary of Health, on request of a county, to delegate to the county the authority to inspect and to conduct site visits and full surveys of nursing homes. The bill also requires the Maryland Department of Health and the county to equally share the costs of implementing the inspection authority if it has been requested by the county.

States conduct nursing home surveys and inspections on behalf of the Centers for Medicare and Medicaid Services (CMS) to determine their compliance with Medicare and Medicaid health and safety standards. Each state has a CMS-designated state survey agency that performs this certification process. The Office of Health Care Quality (OHCQ) in the Maryland Department of Health (MDH) is Maryland's designated state survey agency and is responsible for nursing home licensing, inspections, and certification of compliance. OHCQ uses federal survey guidance to conduct standard onsite inspections of Medicare-or-Medicaid-certified nursing homes at least once every 15 months. The agency also investigates any complaints it receives from the public and from within facilities about resident care or safety.<sup>1</sup>

Until July 1, 2021, inspections of nursing homes in Montgomery County were conducted by Montgomery County surveyors, not OHCQ surveyors. A long-standing Memorandum of Understanding between MDH and Montgomery County allowed a team of County surveyors to conduct certifications, surveys, and complaint investigations on behalf of the State. The team consisted of 8 to 10 nurses and nurse administrators employed by the Montgomery County Department of Health and Human Services (MCDHHS). The County surveyors would perform annual survey inspections in County nursing homes, report their findings to the state, and then receive the state's recommendations. If violations were found, state and federal regulators would step in to handle enforcement. If the State received complaints about nursing homes, that information would be relayed to the County surveyor team who would then perform the investigation.<sup>2</sup>

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<sup>1</sup> Kalyandurg, C, & Simmons, K. (2023). *Nursing Homes in Montgomery County: Regulatory Framework and Issues Impacting the Quality of Care*. Accessed on February 28, 2024:

[https://www.montgomerycountymd.gov/OLO/Resources/Files/2023\\_reports/OLO-Report2023-7.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2023_reports/OLO-Report2023-7.pdf)

<sup>2</sup> *Id.*

In February of 2021, the State notified MCDHHS that the MOU between MDH and Montgomery County would terminate, citing that “there will be no funding for [the services provided under] the MOU after June 30, 2021.” The work previously done by the County surveyors was absorbed by OHCQ, Maryland’s designated survey agency. The State also retained the funding that would have supported the County surveyor team, causing MCDHHS to lose those positions. Subsequent attempts to re-engage the State in an MOU to allow the County to resume conducting inspections on behalf of the State have not led to an agreement between the parties.<sup>3</sup> Therefore, MCDHHS supports Senate Bill 825 and respectfully urges the committee to issue a favorable report.

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<sup>3</sup> *Id.*