



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

March 13, 2024

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 214, House Office Building
Annapolis, MD 21401

RE: House Bill 1475 - Health Facilities – Delegation of Inspection Authority – Related Institutions and Nursing Homes – Letter of Opposition

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of opposition for House Bill (HB) 1475 - Delegation of Inspection Authority – Related Institutions and Nursing Homes.

The Office of Health Care Quality (OHCQ) is the agency within 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). Due to a variety of issues related to the COVID-19 pandemic and the MDH Cyber attack, OHCQ has several overdue nursing home surveys.

State licensure and federal certification oversight are applied to all nursing homes across the State. CMS prioritizes certification and recertification activities by defining tiers of surveys and a triage system for complaints. A centralized regulatory system in Maryland administered through OHCQ provides oversight for all of Maryland's nursing home residents. Fragmenting OHCQ's oversight activities by counties and by state vs federal authority could lead to increased complexity, redundant efforts, and increased costs.

The Department has developed and is implementing a plan to resolve the overdue and pending nursing home surveys. A combination of filling 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.

Sincerely,



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