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In Senior Care and Services*

Senate Finance Committee

February 4, 2025

Senate Bill 376 – *Health Facilities – Delegation of Inspection Authority – Nursing Homes*

SUPPORT WITH AMENDMENT

On behalf of the LifeSpan Network, a senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities, and other home and community-based services, we support with amendment Senate Bill 376, which requires the Secretary of Health, on request of a county, to delegate to the county the authority to conduct site visits and full surveys of nursing homes. The Maryland Department of Health and the county must equally share the costs of conducting site visits and full surveys delegated to the county by the Secretary.

LifeSpan shares the frustration over the delay and/or lack of nursing home surveys by the Maryland Office of Health Care Quality (OHCQ). Not only can it impact resident care, but it can also strain nursing home operations. Too often, nursing homes are subject to surveys that span multiple years, even upwards of five years. It is not unusual for a nursing home to receive a deficiency on an incident from five years ago, which may have even been self-reported by the nursing home but never investigated by OHCQ. To complicate this issue, the nursing home could now be under new ownership, and the staff and/or residents involved in the incident are no longer at the nursing home. Depending on the severity of the incident and the classification by OHCQ, the nursing home could be subject to a hold on Medicare admissions or a discontinuation of its geriatric nursing assistant program, directly impacting operations and the ability to train new staff. In addition, a nursing home can be characterized as having a high number of deficiencies, which lowers its star rating on the Nursing Home Compare website, which is an unfair characterization given that the deficiencies span multiple years and not just one year. It is often reported that surveyors have spent three weeks in one facility because of the number of years and files being examined. Given the delays in the current survey process, we would advocate that OHCQ take a “forward moving” approach and look at issues over one year rather than multiple years, which slows down the survey process. This approach would hopefully accelerate the number of inspections conducted and return OHCQ and the nursing home industry to an annual survey cycle.

Therefore, LifeSpan supports Senate Bill 376 with amendments. The amendments will further clarify the bill's intent for county surveyors to supplant State surveyors. In addition, we want to ensure that the federal Centers for Medicare and Medicaid Services recognize the surveys performed by the county and that the county surveyors are trained on State and federal requirements and not requirements enacted by each county. With these clarifications, we urge a favorable vote on Senate Bill 376.

For more information, contact:

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