



COMMISSION ON AGING

SB 0376 - Health Facilities – Delegation of Inspection Authority – Nursing Homes
Senate Finance Committee
FAVORABLE
February 4, 2025

TO: Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee

FROM: Linda R. Bergofsky. District 15

I am submitting testimony as Co-Chair of the Montgomery County Commission on Aging. The Commission is authorized by the Older Americans Act, P.L. 116-131, and was established by Montgomery County in 1974 to advise County government on the needs, interests, and issues of concern to its older residents, and to advocate on their behalf at the local, state and national levels. I want to acknowledge Senator Kramer for sponsoring this bill.

State surveyors are required to conduct health and safety inspections of nursing homes for compliance with Medicare and Medicaid regulations. These surveys usually happen once every 12 months. The Commission strongly supports this bill because 31 of the 34 nursing homes in Montgomery County have not been inspected by the State Office of Health Care Quality (OHCQ) in more than 2 years. Those 31 facilities are home to more than 3,600 residents. These are our parents, grandparents, friends and neighbors. They are vulnerable individuals who need assistance with most activities of daily living. They are not experts on nursing home quality. The Commission believes these valued members of our community deserve far more attention to their well-being than they are currently receiving from the State.

OHCQ has had exclusive responsibility for periodic inspections of nursing homes in Montgomery County since the beginning of FY 2022, after the State declined to renew a Memorandum of Understanding (MOU) with the Department of Health to perform this function. The Commission and the Montgomery County Department of Health have sought to restore the MOU for almost 4 years, but to no avail. I have attached another document that elaborates on these efforts.

The information on nursing home inspections that I'm citing comes from the Centers for Medicare and Medicaid Services' (CMS) Provider Database that was released on December 20, 2024. What these data show is that when Montgomery County residents — who are also not experts on nursing home quality — look to CMS or the State of Maryland for publicly reported metrics of compliance with health and safety standards, they will find out-of-date information that is not helpful in selecting a nursing home. For example, Montgomery Village Care Center — a nursing home not too far from where I live — was last inspected on January 28, 2021. The provider has had no infection control inspections in the past 3 years. If you look all across the State, you will see the same pattern in virtually every jurisdiction. In a briefing to the Senate

Finance Committee last month, OHCQ noted that it would take 3 years to clear the backlog of overdue surveys. The Commission on Aging finds this unacceptable.

Allowing counties to act on delegated authority to conduct periodic nursing home inspections means nursing homes will be inspected on a timelier basis, thus uncovering non-compliance with health and safety standards that can be addressed and monitored. To better protect nursing home residents in Montgomery County and across the State, **I respectfully urge this committee to return a favorable report on SB376.**

Sincerely,

Linda R. Bergofsky

Linda R. Bergofsky
CoA Co-Chair