

HB376_Marylanders for Patient Rights_ Fav.pdf

Uploaded by: Anna Palmisano

Position: FAV

Marylanders for Patient Rights

MARYLANDERS FOR PATIENT RIGHTS REQUESTS A FAVORABLE REPORT ON SB376: Health Facilities-Delegation of Inspection Authority-Nursing Homes

Marylanders for Patient Rights is the leading patient advocacy coalition in our state, with 23 groups and a collective membership over a million people. We join AARP in strongly supporting the goal of SB376 to provide much needed protections for Maryland's most vulnerable population: nursing home residents.

The State has egregiously neglected to provide annual inspections of nursing homes, allowing residents to suffer horrifying physical and mental neglect and abuse. Heartbreaking examples of stories from nursing home residents have been detailed in the [lawsuit](#) filed by the Public Justice Center. These include patients who were left in their own waste, who never saw the light of day, and who developed painful Stage 2 pressure ulcers (bed sores).

With the abject failure of the Office of Health Care Quality to provide oversight of nursing homes on an annual basis or to respond promptly to complaints, concerned County leadership, upon request, should have the authority to conduct site visits and full inspections of nursing homes. The costs of those inspections should be borne equally by the Maryland Department of Health and the County.

SB376 will also address the problem that complaints from nursing home residents and their families may take the Maryland Dept. of Health many months to investigate, so that dangerous problems go unresolved. Those residents alleging immediate jeopardy will be investigated no later than 48 hours after the Maryland Department of Health receives the complaint.

Please provide a favorable report on SB376, and help to protect Maryland nursing home residents. Any one of us, or a loved one, could someday be a nursing home resident and want to be treated humanely with dignity, respect, and proper care.

Thank you,

A C Palmisano

Anna C. Palmisano, Ph.D, Director
Marylanders for Patient Rights
palmscience@verizon.net

MaCCRA 2025 Testimony - Support -Senate Bill 376 -

Uploaded by: Bruce Hartung

Position: FAV



Maryland Continuing Care Residents Association
Protecting the Future of Continuing Care Residents
The Voice of Continuing Care Residents at Annapolis

SUBJECT: Senate Bill 376 - Health Facilities - Delegation of Inspection Authority - Nursing Homes

COMMITTEES: Senate Finance Committee
The Honorable Pam Beidle, Chair

DATE: Thursday, February 4, 2025

POSITION: **FAVORABLE**

The Maryland Continuing Care Residents Association (MaCCRA) is a not-for-profit organization representing the residents in continuing care retirement communities (CCRCs). Maryland has over 20,000 older adults living in 38 licensed CCRCs. The principal purpose of MaCCRA is to protect and enhance the rights and financial security of current and future residents while maintaining the viability of the providers whose interests are frequently the same as their residents. MaCCRA supports efforts to enhance transparency, accountability, financial security, and preserve existing protections in law and regulation for current and future CCRC residents statewide.

All CCRC communities offer various levels of care for senior citizens. One level of care in a CCRC is its nursing home that is licensed in Maryland through the Maryland Department of Health (MDH).

On behalf of the Maryland Continuing CARE Residents Association, we support Senate Bill 376. We do know that the MDH has failed to provide mandated annual inspection of nursing homes in the past several years. This bill will allow individual Counties to request that MDH delegate to a County the authority to conduct site visits and full surveys of nursing homes. The costs would be shared between County and State.

This is necessary because residents in nursing homes are among our most vulnerable Marylanders, and there have been incredibly sad and heartbreaking examples of patients who were mistreated in ways too horrible to detail. Examples can be found in the lawsuit filed by the Public Justice Center or talk to anyone who has filed a complaint with the MDH.

Assertive and timely oversight is needed; this Bill will help that happen as it is consistent with the duty of government to protect its citizens. All people, including residents of nursing homes, have a right to be treated with appropriate care and respect. The State of Maryland can fulfill its function of oversight in this regard better than it has in past years. This Bill will take a major step forward in Maryland government fulfilling that duty.

We ask for a favorable report on SB376.

For further information please contact: Bruce Hartung, President
Maryland Continuing Care Residents Association c/o brucehartung@sbcglobal.net

SB376_DixieButler_FAV.pdf

Uploaded by: Dixie Butler

Position: FAV

To: Chair Pamela Beidle, Co-Chair Antonio Hayes, and members of the Senate Finance
Bill: SB #0376-Health Facilities – Delegation of Inspection Authority-Nursing Homes
Name: Dixie P. Butler
Position: Favorable

As a long-term resident of Maryland District 19, I am writing in support of SB #0376. This Bill ensures that Montgomery County has the delegated authority and receives the financial resources to conduct full annual surveys of each licensed nursing home, as well as to investigate and follow up on nursing home complaints in a timely manner.

Do you know how to identify a quality nursing home for a loved one? An annual survey of nursing homes covering health and safety, and complaint investigations, are to be conducted by the Office of Health Care Quality (OHCQ). In the past year, I have learned that these required activities have been delayed for months and even years. Previously, these functions were delegated to Montgomery County by a Memorandum of Understanding (MOU), which has since expired. It is time to place these critically important responsibilities back in County hands.

It is with a sense of urgency that I write in support of this legislation. I am a concerned older citizen, a licensed social worker, and volunteer Long-term Care (LTC) Ombudsman. The residents of nursing homes trust that they will be treated with care, dignity, and respect. In many instances, their trust is rewarded. Yet, the timely, consistent, and thorough surveys of nursing home conditions, as required by law and carried out by trained staff, represent the key guard rails and safeguards that are required to sustain that trust.

What can happen when these actions are delayed? Residents and families are left to challenge facility conditions--inadequate staffing, cutting back on food quality, not following posted meal plans, lack of air conditioning in summer, safety hazards, neglect, and worse. As someone once said to me, "that's really not a fair fight."

Just recently, I visited a large LTC facility with many memory care residents. There were residents sharing a meal with family members; others sitting comfortably in chairs watching television; still others in bed with various medical devices available and staff gently assisting them. It is a joy to see when residents are living in a safe and caring environment. It is also the belief and hope of family members that they have chosen wisely. This is not always the case. Timely, thorough surveys and follow up on complaints are the essential proactive, preventive actions needed, cannot be delayed, and are our responsibility. Health and lives are at risk. Such actions can anticipate and prevent fires, falls, aspiration and choking, theft, physical abuse, neglect, and more in nursing homes.

The passage of SB #0376 will help restore support for Montgomery County nursing home residents, the trust of families, and the standard of care. I respectfully urge this committee to return a favorable report on SB #0376.

CoA Testimony Senate PDF.pdf

Uploaded by: Janice Zalen

Position: FAV

SB 376 – Janice Zalen FAVORABLE

Health Facilities - Delegation of Inspection Authority - Nursing Homes

TO: Chair Pamela Beidle, Co-Chair Antonio Hayes, and members of the Senate Finance Committee

FROM: Janice Zalen

My name is Janice Zalen. I am a resident of District 20. I am submitting this testimony in support of SB 376, Health Facilities - Delegation of Inspection Authority - Nursing Homes.

I am a private citizen with a strong background in SB 376's subject area. I worked in a trade association that represents nursing facilities for 15 years. Upon retirement, I was a Certified Long Term Care Ombudsman Volunteer for 8 years. I have been involved with nursing facilities, professionally and as a volunteer, for enough years to understand the importance of government oversight to ensure that residents of nursing facilities are cared for properly. These individuals are the State's most vulnerable citizens. Government oversight that ensures that residents are in a safe environment and receiving care that meets regulatory standards is crucial. A Federal mandate requires States to conduct annual inspections and also to conduct complaint investigations. And yet, for reasons that are incomprehensible to me, the State of Maryland fails to abide by this Federal mandate and thus, the State endangers its residents of nursing facilities.

SB 376 would allow the State to delegate its nursing home inspection authority to County government. The State did, in fact, delegate its responsibilities to Montgomery County for ten years during which time, the County performed admirably. I know this because I was a Long Term Care Ombudsman during that time. I saw the County surveyors conduct annual inspections. I saw the nursing facility improve when the County surveyors cited deficiencies. I saw the quality of life and the quality of care improve for the residents after a survey. I also saw County surveyors diligently conduct on-site complaint investigations. Also important, when I was aware of a serious problem, the nursing facility administrator would work with me for a solution because they did not want the issue to rise to the level of a complaint to the Government. Today there is no such motivation as the State rarely follows up on complaints.

To conclude, I strongly support this bill because for the last several years, the State of Maryland has ignored its oversight obligations to the detriment of fragile and vulnerable nursing facility residents. The need to resolve this issue is urgent. Allowing County governments to take on oversight responsibilities is a solid solution.

I respectfully urge this committee to return a favorable report on SB 376.

WDC Testimony 2025_SB376 (Nursing Homes)_Final.pdf

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 376– Health Facilities - Delegation of Inspection Authority - Nursing Homes
Finance Committee – February 4, 2025
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2025 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

WDC urges the passage of **SB 376**, a bill requiring the Secretary of Health, at the request of a county, to delegate to the county the authority to conduct site visits and full surveys of nursing homes and equally share certain costs of the inspection of nursing homes.

Timely inspection of nursing home conditions and investigation of complaints is critical to prevent the mistreatment of older adults in assisted living facilities, an all-too-common problem. Sixty-six percent of nursing home staff members admitted to abusing residents in a [2020 World Health Organization study](#). This abuse disproportionately affects older women, since [more than 70 percent of nursing home residents are women whose average age at admission is 80](#).

According to the Montgomery County Commission on Aging (COA), until June of 2021, Montgomery County inspected its nursing homes under an MOU with the state of Maryland. The county paid roughly 2/3 of the cost of such inspections and remained 100 percent compliant in conducting them. COA states that, in 2021, Maryland decided not to renew the MOU and took over state nursing home inspections. According to the COA, despite receiving \$3.2 million a year to conduct such inspections, the state has systematically failed to perform them. In fact, [more than 2/3 of Maryland's 222 nursing homes have not had annual inspections in the past 15 months, as required by CMS](#). Ninety percent of nursing homes in Montgomery County have not been inspected in the last 15 months, according to a COA analysis of provider [data](#). By a conservative estimate, based on number of beds and average occupancy, **several thousand of Maryland's most vulnerable older residents are currently living in unknown conditions in Maryland nursing homes that have not been inspected** (COA). Common sense and [anecdotal experience](#) show that a lack of, or delay, in conducting inspections can cause abuse to occur or worsen, resulting in injury or death of nursing home residents and great anguish to their loved ones.

We urge you not to leave Maryland's nursing home residents "[Uninspected and Neglected](#)" as the title of a 2023 U.S. Senate Committee on Aging report on nursing inspections put it, but allow counties who are willing and able to undertake these inspections to do so. The safety and dignity of our nursing home population hangs in the balance.

We ask for your support for SB 376 and strongly urge a favorable Committee report.

Tazeen Ahmad
WDC President

Diana Rubin
WDC Aging Subcommittee

JoAnne Koravos
WDC Advocacy Co-Chair

SB0376-FIN_MACo_SUP.pdf

Uploaded by: Karrington Anderson

Position: FAV



Senate Bill 376

Health Facilities - Delegation of Inspection Authority - Nursing Homes

MACo Position: **SUPPORT**

To: Finance Committee

Date: February 4, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 376. This bill extends authority to local governments requesting to oversee and maintain standards for nursing homes. Under the bill, if a county requests this authority, the Maryland Department of Health (MDH) would work in partnership to grant it and share the associated costs.

Nursing homes provide critical care to some of Maryland's most vulnerable residents, making it essential that they adhere to strict health and safety regulations. However, enforcement can be challenging due to staffing shortages and high vacancy rates at the state level. By allowing local agencies to step in when they are able, this bill strengthens oversight and ensures that all nursing home residents receive safe and reliable care.

The provisions of this bill reflect a strong state-local partnership. Some counties have numerous nursing homes, while others have only a few—but all require accountability and effective enforcement. Allowing local governments to assist with inspections ensures that no facility goes unchecked simply due to limited State resources.

Counties believe that, given ongoing workforce challenges, allowing local agencies to complement State efforts when they feel they are capable is a wise strategy for protecting all Marylanders. Accordingly, MACo urges the Committee to give SB 376 a **FAVORABLE** report.

SB 376-LWVMD-FAV-Health Facilities Delegation of I

Uploaded by: Kathryn Jeffries

Position: FAV



TESTIMONY TO THE SENATE FINANCE COMMITTEE

SB 376 - Health Facilities - Delegation of Inspection Authority - Nursing Homes

POSITION: Favorable

BY: Linda Kohn, President

DATE: February 4, 2025

The League of Women Voters has long been a strong advocate for safe and adequate healthcare for all citizens in any setting. The League has stated this in its Social Policy, Healthcare Policy, and Policy of Basic Human Rights positions.

Deficiencies in nursing home inspections in Maryland have been well documented in local and national media, as well as reports by federal and state regulatory agencies. This deficiency is long standing and was exacerbated by the Covid pandemic of 2020.

Conditions in some facilities are so deleterious that a class action lawsuit was filed in May 2024 on behalf of approximately 1900 facility residents in Maryland. These residents are dependent upon facilities to provide for all their needs.

SB 376 would provide for annual nursing home inspections and surveys. The bill would also address the complaint process for facility residents and families. An adequate number of trained inspectors could bring to light any deficiencies present in a facility and institute corrective measures.

The League of Women Voters joins Marylanders for Patient Rights in urging a favorable report for SB 736.

SB 376- MoCo_Elrich_FAV (GA 25).pdf

Uploaded by: Leslie Frey

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 4, 2025

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Marc Elrich
County Executive

RE: Senate Bill 376 - Health Facilities - Delegation of Inspection Authority - Nursing Homes

Senate Bill 376 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. I support Senate Bill 376.

States conduct nursing home surveys and inspections on behalf of the Centers for Medicare and Medicaid Services to determine 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.¹

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 MCDHHS 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

¹ Kalyandurg, C, & Simmons, K. (2023). *Nursing Homes in Montgomery County: Regulatory Framework and Issues Impacting the Quality of Care*. Accessed on January 31, 2025:
https://www.montgomerycountymd.gov/OLO/Resources/Files/2023_reports/OLO-Report2023-7.pdf

The Honorable Pamela Beidle
Re: Senate Bill 376
February 4, 2025
Page 2

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.²

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 theoretically 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. Critically, however, inspections of nursing homes in Montgomery County have fallen to near non-existence in the intervening years, putting some of the most vulnerable residents in the County at risk. Therefore, I support Senate Bill 376 and respectfully urge the committee to issue a favorable report.

² *Id.*

Montgomery County Commission on Aging Slide Present

Uploaded by: Linda Bergofsky

Position: FAV

Background information in support of legislation to delegate authority for Nursing Home inspections

Prepared for Delegate Bonnie Cullison by the Montgomery County Commission on Aging

January 2025



Statement of the Problem

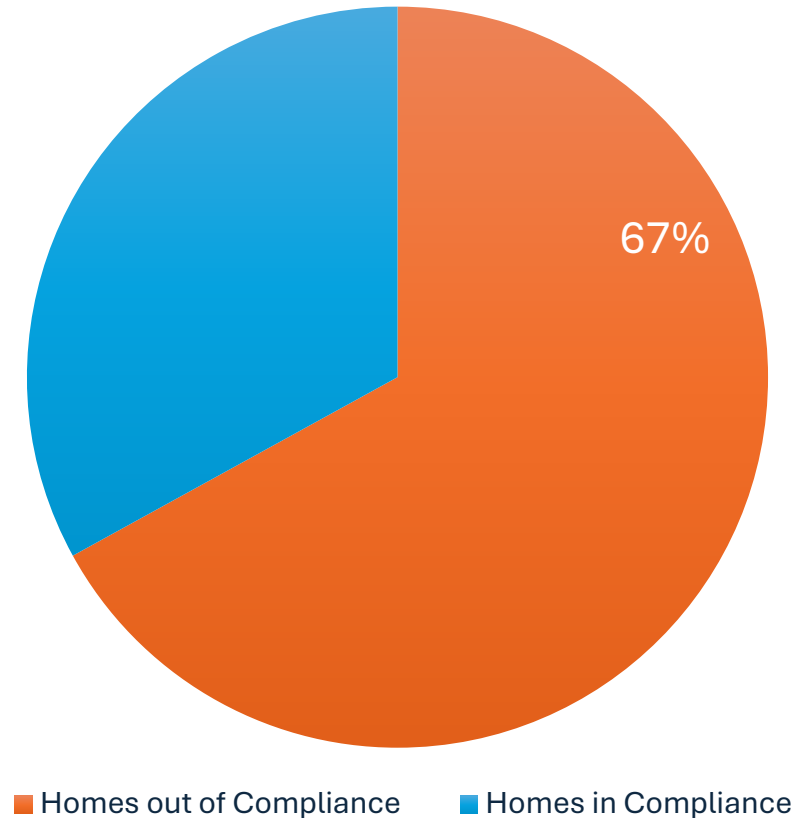
Maryland's Department of Health (MDH) has systematically failed to conduct nursing home inspections, as required by CMS

- More than 2/3 of the state's 222 nursing homes have not had annual inspections in the past 15 months, as required by CMS*
- While inspection rates declined nationally during the pandemic, currently only Kentucky and Alabama have lower statewide rates of inspection than Maryland**

* <https://projects.propublica.org/nursing-homes/state/MD>, accessed 12/06/2024

** <https://projects.propublica.org/nursing-homes/>, accessed 12/06/2024

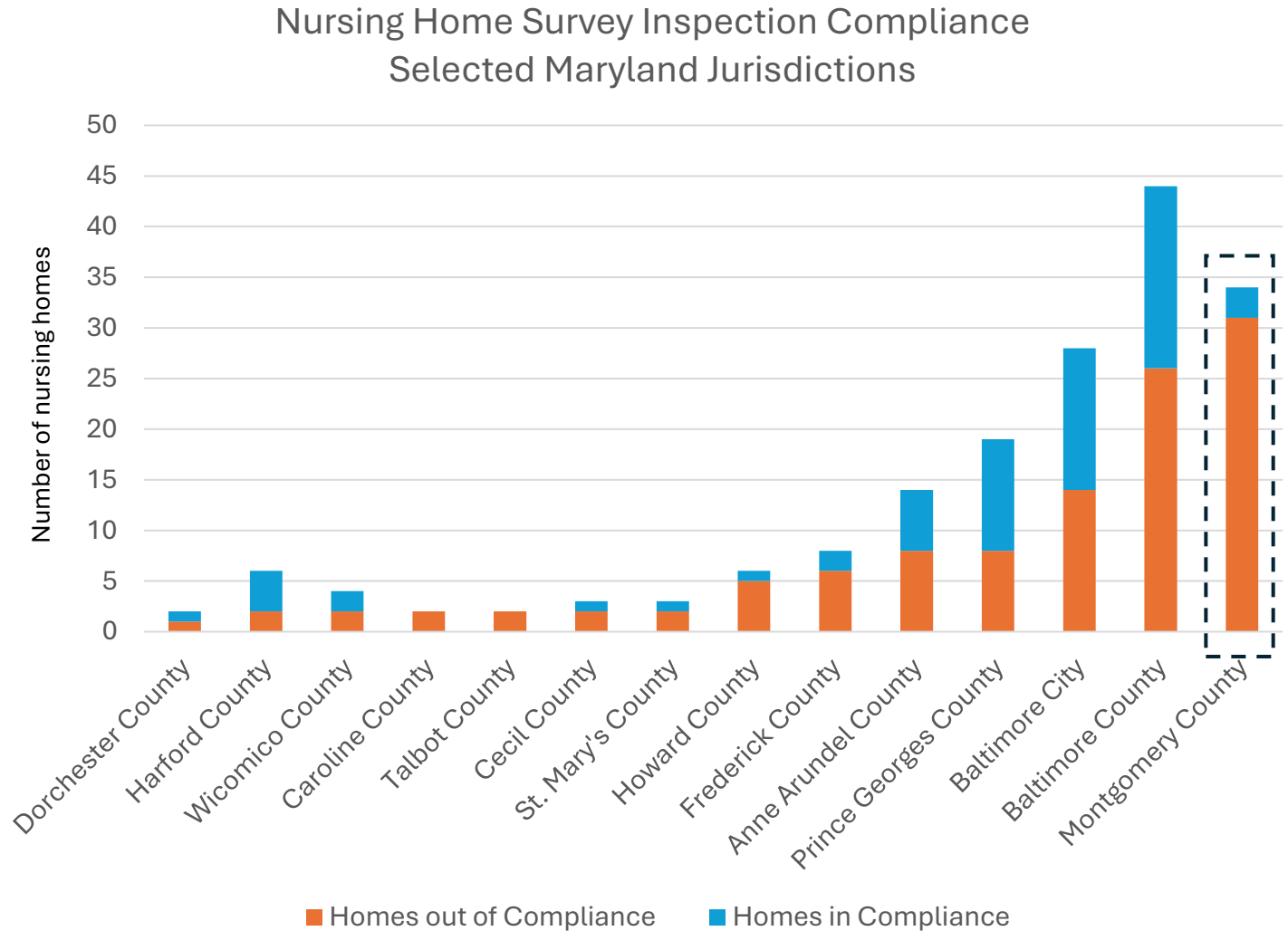
Statewide Nursing Home Compliance (n = 222)



Statement of the Problem, cont'd

As of December 20, 2024, more than 90% of Montgomery County's 34 nursing homes have not received an annual inspection in the prior 15 months*

- This means, that by a conservative estimate, based on number of beds and average occupancy, several thousands of our most vulnerable older residents are currently living in unknown conditions in nursing homes that have not been inspected



* CoA analysis of Centers for Medicare and Medicaid Services data, <https://data.cms.gov/provider-data/dataset/4pq5-n9py>, accessed 1/26/25

Prior to the State extinguishing the MOU with Montgomery County, Montgomery County conducted nursing home inspections and complaint inspections in compliance with Federal regulations

Montgomery County Performance (during the most recent period of performance)

- Annual inspections: 100% compliance (as of 3/30/2021)
- Focused inspection surveys: 100% compliance (as of 8/4/2020)
- Immediate jeopardy complaints
 - FY 2020: n=6, 83% compliance
- High priority complaints:
 - FY 2019: n=75, 66% compliance
 - FY 2020: n=63, 43% compliance (Due to COVID, State ordered a stop to in-person visits on March 30, 2020)

Timeline of Montgomery County's Efforts to Secure a new MOU with OHCQ/MDoH

- **March 2021:** CoA requested information on the plans and strategies of OHCQ to successfully enact transition after end of MOU. Copied County delegation and other selected legislators (MOU to end 6/20/21)
- **December 2021:** CoA requested new MOU from Secretary (no response)
- **August 2022:** CoA requested help from legislators accessing data on OHCQ nursing home oversight (received partial response from OHCQ in September)
- **February 2023:** MDoH was asked to consider reestablishing MOU in Budget hearing
- **May 2023:** CoA requested the Secretary of MDoH to respond to our May 2023 letter
- **July 2023:** Montgomery County Office of Legislative Oversight issues Report on Nursing Homes Regulatory Framework
- **January 2024:** Sen. Kramer and Del. Cullison sponsor legislation to mandate option for MOU
- **February 2024:** CoA requested the Secretary of MDoH to respond to our May 2023 letter

Timeline of Montgomery County's Efforts to Secure a new MOU with OHCQ/MDoH (cont'd)

- **April 2024:** CoA, Montgomery County DoH, and OHCQ staff meet via Zoom
 - CoA follows up with MDoH with 4 key concerns: survey timeliness improvement process and timeline, stakeholder engagement, staffing, and transparency/reporting
 - CoA informs County Executive and County Council of ongoing concerns
- **May 2024:** CoA meets with County Council and State delegation
- **June 2024:** CoA send update to Sen. Kramer and Del. Cullison
- **July 2024:** CoA sends update to County Council, County Executive, Secretary Carmel Roques includes the 6-26-24 letter to Kramer/Cullison, reference to article in Post on lawsuit, reference to Dr. Nay departure, and a Baltimore news report
- **October 2024:** CoA chair testifies to County Council with ongoing concerns
- **November 2024:** MDoH and MCDoH officials meet to discuss MOU
- **December 2024:** CoA meets with Del. Cullison to review legislative strategy for 2025 General Assembly session

The Current Dilemma

- The MDoH decision to end the MOU was not predicated on Montgomery County's performance, but strictly on management and budgetary issues.
- The Montgomery County DoH decision to pursue a new MOU is based solely on the State's failure to conduct annual survey and complaint inspections timely, i.e. 31 of 34 nursing homes have not been inspected in at least 2 years.
 - *Feb. 2023: "Currently OHCQ has a statewide backlog of 173 annual nursing home surveys and 9,351 complaints and facility-reported incidents." Laura Herrera Scott, MD, MPH Secretary letter to Kirill Reznick, Chairman, HHS Subcommittee, House Appropriations Committee*
- The State received about \$3.2 million/yr. from CMS to do nursing home surveys. **Where did the money go?**

Legislative Requests

1. Enabling legislation that would compel OHCQ to delegate authority for annual inspections and complaint inspections via an MOU to Counties that request it and a mandate that State funds would be allocated to each County to cover at least 40% of the costs of inspections (FY 2026 and beyond)
2. Additional funds to be included in the Budget bill to support Counties that request an MOU get up to speed

SB0376_LINDA BERGOFSKY_FAV.pdf

Uploaded by: Linda Bergofsky

Position: FAV



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

SB376 fav MSCAN.pdf

Uploaded by: Sarah Miicke

Position: FAV



Maryland Senior Citizens Action Network

MSCAN

AARP Maryland

Alzheimer's
Association,
Maryland Chapters

Baltimore Jewish
Council

Catholic Charities of
Baltimore

Central Maryland
Ecumenical Council

Church of the Brethren

Episcopal Diocese of
Maryland

Housing Opportunities
Commission of
Montgomery County

Jewish Community
Relations Council of
Greater Washington

Lutheran Office on
Public Policy in
Maryland

Maryland Association of
Area Agencies on Aging

Maryland Catholic
Conference

Mental Health
Association of Maryland

Mid-Atlantic LifeSpan

National Association of
Social Workers,
Maryland Chapter

Presbytery of Baltimore

The Coordinating
Center

MSCAN Co-Chairs:
Carol Lienhard
Sarah Mücke
6102460075

Senate Bill 376 - Health Facilities - Delegation of Inspection Authority - Nursing Homes

Finance Committee February 4, 2025 Support

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing, health, and quality of care needs of Maryland's low and moderate-income seniors.

Senate Bill 376 (SB376) would require the Secretary of Health, on request of a county, to delegate the authority to conduct site visits and surveys of nursing homes, to the county. It would also require the Department of Health (Department) to equally share the cost of conducting the surveys and site visits.

Frequent inspections of nursing homes are integral to the safety of older adults. Unfortunately, the Department has failed to conduct most of its required inspections. In fact, more than 2/3rd of the states 222 nursing homes have not had their annual inspections in the past 15 months, as required by CMS.¹ In areas such as Montgomery County, 90% of nursing homes have not received their inspection during that time.² The Department has shown that it simply does not have the ability to keep up with required site visits, putting thousands of older Marylanders at risk.

SB376 would create a mechanism, similar to an MOU that was in place with Montgomery County and the Department for several years, but has since expired, to allow all counties, at their request, the ability do site visits and reports and receive some funding for them. When Montgomery County was able to do this, compliance rates were significantly higher. Let's make Maryland safer for older adults in our nursing facilities.

For these reasons, MSCAN respectfully requests a favorable report for on SB 376.

¹ <https://projects.propublica.org/nursing-homes/state/MD>

² <https://data.cms.gov/provider-data/dataset/4pq5-n9py>

SB 376 Delegating Inspections Authority Nursing Ho

Uploaded by: Tammy Bresnahan

Position: FAV



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**SB 376 Health Care Facilities – Delegating Inspections Authority –Related Institutions and
Nursing Homes
Senate Finance Committee
FAVORABLE
February 4, 2025**

Good afternoon, Chair Beidle and members of the Senate Finance Committee. I am Tammy Bresnahan, Senior Director of Advocacy for AARP Maryland. AARP Maryland advocates on behalf of over two million Marylanders aged 50 and over. We would like to thank you for the opportunity to speak in support of SB 376. We also extend our appreciation to Senator Kramer for sponsoring SB 376.

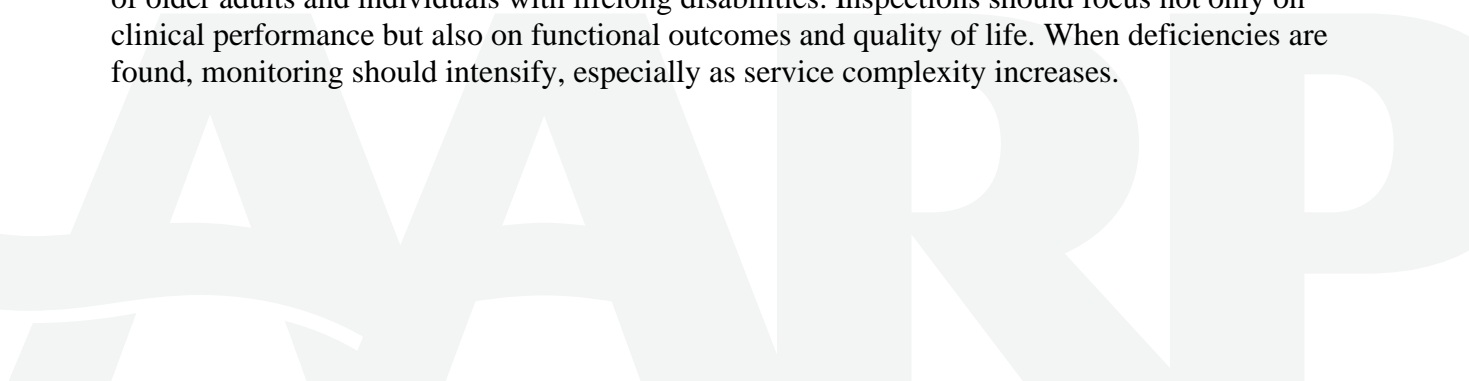
SB 376 requires the Secretary of Health, upon request from a local government, to delegate the authority to inspect, conduct site visits, and perform comprehensive surveys of related institutions and nursing homes.

Maintaining continuous and clear oversight of nursing homes is essential due to the vital role these facilities play in long-term care. Each year, Maryland's nursing homes serve around 30,000 individuals, many of whom have significant needs requiring 24-hour care, nursing services, assistance with daily living, and rehabilitation therapies. Much of this care is taxpayer-funded, emphasizing the need for accountability and quality assurance.

As of June 2023, Maryland had the nation's second-highest backlog of overdue annual nursing home inspections, with over 80% of homes delayed by at least 17 months. Alarming, 104 facilities had not been inspected for more than four years, according to CMS data. This inspection delay poses serious risks to resident safety and public trust.

Without consistent oversight, it is difficult to determine whether facilities are providing effective, high-quality care. Enhanced transparency and additional monitoring are critical to address this gap. Regulatory agencies must work collaboratively to ensure bad actors cannot operate unchecked and that residents receive safe, quality care.

To achieve this, states should invest in adequately trained quality monitors who conduct unannounced inspections at least annually, address complaints promptly, and follow up on any identified deficiencies. Monitors should receive specialized training tailored to the unique needs of older adults and individuals with lifelong disabilities. Inspections should focus not only on clinical performance but also on functional outcomes and quality of life. When deficiencies are found, monitoring should intensify, especially as service complexity increases.



AARP believes that collaboration among agencies and transparency in oversight are key to improving resident outcomes and overall care quality.

For these reasons, AARP Maryland respectfully requests a favorable report on SB 376. For further questions, please contact me at fbresnahan@aarp.org or **410-302-8451**.

SB0376_FWA_LifeSpan_Health Fac. - Delegation of In

Uploaded by: Danna Kauffman

Position: FWA



*Keeping You Connected...Expanding Your Potential...
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:

Danna Kauffman
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410-244-7000

SB376_SethMiller_FWA

Uploaded by: Seth Miller

Position: FWA

Good afternoon, Madame Chair and Committee:

First, thank you for your service.

Seth Miller favorable with amendments.

The day after Christmas of 2018 I was in a horrific accident. I am blessed to be alive.

Among the places I was recovering were two Montgomery County skilled nursing facilities.

At one facility, a nurse did not wash a surgical wound. The wound became infected and reinfected.

After the second surgical washout, I was at Potomac Valley, Nursing and Rehab. The place is a dump. They renovated. My first night I was put in a room with three other men. One man, John Ball got up and battered a paraplegic named Brian Benjamin. I have the police report. I told the nurse that if she did not call the police, I

would call the state. The next night, Brian was slapped by a staff member. I called the police on my iPhone.

When I discharged, Brian's face was still black and blue. I complained to the Maryland Department of Health. They had already investigated and exonerated Potomac Valley. That investigation was conducted by local investigators. Covid came. The Washington Post reports that the Maryland Department of Health fined the site, as they had Covid positive patients. Staff did not isolate known positive patients. Staff accepted known negative patients. Of those accepted negative, 10 contracted Covid. The death toll is now five. I believe very strongly that had MDH listened when I complained about the attacks of my roommate Brian Benjamin the staff would've gotten it together and those five would be alive.

When asked how they verify the facilities have needed personal protective equipment a nurse surveyor said, "We just take their word for it." They just took the word of the Director of Nurses that there was no physical abuse to my roommate Brian Benjamin had not been attacked.

After that maybe they figured they should listen to me. When I complained about the first place second. State investigators assessed a violation.

Please amend to require site visits in cases of violent physical abuse of patients. I do not want Michael Gelman or Enrique La Chica doing those investigations.

SB 376 - MDH - FIN - LOO.docx.pdf

Uploaded by: Meghan Lynch

Position: UNF



DEPARTMENT OF HEALTH

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

February 4, 2025

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 376 – Health Facilities – Delegation of Inspection Authority – Nursing Homes – Letter of Opposition

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of opposition for Senate Bill 376 – Health Facilities – Delegation of Inspection Authority – Nursing Homes.

The Office of Health Care Quality (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.

SB 376 requires the delegation of OHCQ's state survey authority to a county upon request for the purpose of conducting site visits and full surveys of nursing homes. It also mandates equal sharing of costs between OHCQ and the county for site visits and full surveys. OHCQ would continue to be responsible for all federal oversight activities of nursing homes regardless of a delegation agreement being in place.

A state-level agency such as OHCQ provides equal protection and regulatory oversight for all Maryland's nursing home residents, ensuring consistent compliance with federal and state regulations across Maryland. Fragmenting OHCQ's oversight activities by geography and delegating authority to requesting counties, as proposed in SB 376, will lead to increased complexity, redundancy of efforts, and diversion of statewide resources to a requesting county. For example, OHCQ would need to coordinate with county nurse surveyors on survey activities, including scheduling to ensure efforts are not duplicated. Notably, as OHCQ continues to make progress in decreasing the backlog of surveys and complaints, diverting funds from its operations will make it more difficult for OHCQ to continue to make progress.

OHCQ's existing operating budget would be reduced by the bill's mandate to pay 50% of any participating county's cost. This would result in \$786,976 for the first fiscal year for one county and \$3,395,627 by the fifth fiscal year (FY 2030) if accounting for a new county participating

each year.

For all of the reasons stated above, we respectfully oppose SB 376. If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs, at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Secretary