



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

February 27, 2025

The Honorable Joseline Peña-Melnyk
Chair, Health and Government Operations Committee
240 Taylor House Office Building
Annapolis, MD 21401-1991

**RE: House Bill (HB) 378 - Prince George's County - Assisted Living Programs -
Inspections PG 405-25 - Letter of Concern**

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of concern for House Bill (HB) 378 - Prince George's County - Assisted Living Programs - Inspections PG 405-25.

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.

HB 378 requires the Maryland Department of Health (MDH) to conduct an inspection of each assisted living program (ALP) located in Prince George's County at least once every sixty days. The bill requires MDH to publish a report of each inspection on the MDH website within 30 days after the inspection is completed and provide survey reports to the Prince George's County Council.

To comply with the requirements of HB 378, OHCQ would have to conduct an additional 1,425 surveys of ALPs in Prince George's County at an estimated cost of \$3,019,855 for fiscal year (FY) 2026. There would be no federal matching funds for this state-only program. There are currently 285 licensed ALPs in Prince George's County, which is 18 percent of all ALPs licensed in Maryland. To inspect 285 ALPs every 60 days would require a survey team larger than OHCQ's current assisted living unit that supports the entire state. Responsibilities would include education and training; triaging complaints and coordination of the inspection process; issuing statements of deficiencies and evaluation and acceptance of the ALP plan of correction(s); managing the informal dispute resolution process; compliance with all required documentation and web page updates.

A state-level agency such as OHCQ provides equal protection and regulatory oversight for all Maryland's assisted living residents, ensuring consistent compliance with state regulations across Maryland. Fragmenting OHCQ's oversight activities by geography and requiring additional

survey activity in one county, as proposed in HB 378, will lead to increased complexity and disparate allocation of statewide resources to one specific county.

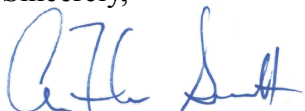
Additionally, the 30-day timeline to publish a report after the completion of a survey is not feasible. Facilities need time to respond to any findings through the informal dispute resolution process, which can take months. There are also potential privacy concerns with assisted living programs that have fewer than 10 beds because de-identifying the resident is hard with so few residents. For example, OHCQ frequently cites deficiencies related to diagnosis, like paraplegia or dementia. In a small assisted living facility with 5 residents, it would be easy to decipher which resident is related to the citation. OHCQ also combines complaint inspections with annual inspections, so privacy becomes more important and more difficult, for example, in a sexual assault report.

The bill also requires that reports be sent to the Prince George's County Council. Please know that survey results are currently available through the Public Information Act (PIA) process, which has a turnaround time of no more than 30 days.

Of note, through increased hiring and improved survey efficiency, OHCQ has been working through the backlog of assisted living facility inspections and is on track to eliminate the backlog by the end of the calendar year.

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', is written over a horizontal line.

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