



DEPARTMENT OF HEALTH

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

February 6, 2025

The Honorable Joseline A. Peña-Melnyk
Chair, Health and Government Operations Committee
Room 241, Taylor House Office Building
Annapolis, Maryland 21401

RE: House (HB) 429 – Health Facilities – Delegation of Inspection Authority – 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 429 – 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.

HB 429 requires the delegation of OHCQ's 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. 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 five counties participated.

For all of the reasons stated above, we respectfully oppose HB 429. 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