



COMMISSION ON AGING

TESTIMONY ON SB0240 - POSITION: UNFAVORABLE

Office of Health Care Quality Stakeholder Advisory Council – Establishment

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

FROM: Linda Bergofsky, Co-Chair, Montgomery County Commission on Aging

I am writing on behalf of the Montgomery County Commission on Aging (CoA) regarding SB0240— Office of Health Care Quality Stakeholder Advisory Council – Establishment. The CoA was established by Montgomery County in 1974 pursuant to a requirement of the Federal Older Americans Act of 1965, that there be an Advisory Council to the Area Agency on Aging. In that role, the CoA serves as an advocate for the health, safety, and well-being of the County's older residents at the local, State, and National levels.

This legislation establishes a new advisory body to provide feedback to the Office of Health Care Quality (OHCQ) regarding maintaining oversight of health care facilities and to notify the Secretary of Health if the Office is negligent in providing oversight. As you may know, the Montgomery County CoA had for several years raised the issue of OHCQ failing to meet its statutory obligation to inspect nursing homes timely. Last year, we successfully advocated for more transparency and accountability from OHCQ, which now must submit bi-annual reports to each Area Agency on Aging regarding nursing home inspections. While the CoA appreciates the sponsor's intention to increase stakeholder involvement in the oversight of both hospital and nursing home quality, we wanted to acknowledge that hospital quality and nursing home quality are not influenced by the same factors and are not measured using the same metrics.

We also note there is already an advisory group with essentially the same mission and stakeholder representation — the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities — under the purview of the Department of Aging. The Centers for Medicare and Medicaid Services already works with Quality Improvement Networks to address poor performing hospitals and nursing homes. The Joint Commission also requires hospitals to have fulsome quality improvement structures as well as patient and family councils. Additionally, the Long-Term Care Ombudsman Program attends to the quality of care and increasing the quality of life for Marylanders living in long-term care by advocating for laws, regulations and policies that benefit residents.

Department of Health and Human Services

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The proposed legislation effectively duplicates the membership of the existing Oversight Committee, and includes monitoring of hospitals, but not of assisted living facilities. Moreover, the Health Care Quality Stakeholder Advisory Group is to include facility staff representation without remuneration, which we believe is inequitable. Lastly, there are existing structures in place to follow up on complaints in health care facilities. It is for all these reasons we believe SB0240 is duplicative and would not achieve the sponsor's intent. We therefore respectfully urge the return of an unfavorable decision and report on SB0240.

Instead, the CoA encourages the General Assembly to focus its efforts on strengthening the role of the existing Oversight Committee to make it more effective and impactful on improving nursing home and assisted living quality. We also request that the General Assembly require more explicit cooperation and information sharing between the Department of Health and the Department of Aging regarding the results of facility inspections and complaint investigations, particularly in long-term care settings. Finally, we ask the General Assembly to fully fund the Maryland Long-Term Care Ombudsman Program as laid out in SB0340.

Linda Bergofsky
Co-Chair
Montgomery County Commission on Aging