



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 25, 2026

The Honorable Heather Bagnall
Chair, House Health Committee
240 Taylor House Office Building
Annapolis, MD 21401

RE: House Bill 965- Office of Health Care Quality Stakeholder Advisory Council - Establishment - Letter of Concern

Dear Chair Bagnall and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of concern for House Bill (HB) 965 - Office of Health Care Quality Stakeholder Advisory Council - Establishment. HB 965 would establish a new Office of Health Care Quality (OHCQ) Stakeholder Advisory Council (Council) within OHCQ and require the Office to provide staff support for the 22- member Council. Required support would include, but not be limited to, compiling and analyzing data; summarizing public meetings; managing records retention; coordinating public posting; compiling an annual report to the Governor and the General Assembly; and supporting the Council's review of data and development of recommendations to improve nursing home and hospital quality. The bill would also require OHCQ to hold virtual public meetings every six months beginning January 1, 2027, streamed live with public comment, and to post meeting minutes and summaries within 30 days.

The Office of Health Care Quality 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) for more than 40 healthcare program types.

While the Department is aligned with the intent of this bill to provide transparency and continuous improvement to OHCQ processes, the Department has two critical concerns related to: (1) OHCQ staff capacity and (2) the privacy of Marylanders.

Staff Capacity

Staffing and managing the Council as outlined in the bill would require OHCQ to divert existing staff away from their primary and critical functions of surveying regulated programs and

responding to complaints. OHCQ already complies with statutory requirements to report quarterly on the status of nursing home surveys, in addition to other annual reporting obligations and required data submission to CMS.

Over the past year, under new leadership, OHCQ has substantially reduced the backlog of nursing home surveys by over 90 percent, and is on track to eliminate the backlog within the next few months. The Department believes it is critical to the on-going success of nursing homes and other programs surveyed by OHCQ that OHCQ staff remain focused on their core mission and ongoing process improvements.

Privacy

While the Department fully supports the goal of transparency underlying this bill, the requirement for publicly streamed meetings with posted minutes and summaries presents practical privacy challenges. The Department is subject to multiple legal restrictions on the disclosure of information or data that the Council, as contemplated in the bill, would review during its meetings.

For example, OHCQ is prohibited from publicly releasing or discussing certain information related to complaints and regulatory requirements prohibit OHCQ from commenting on upcoming or open surveys. Additionally, OHCQ is designated as a “medical review committee” pursuant to Md. Code Ann. Health Occ. Art. § 1-401(a)(3). In this capacity, OHCQ evaluates medical evidence, records and documents that are considered confidential medical review committee materials and are not subject to public disclosure.

The Department remains committed to protect the health, safety, and welfare of Marylanders, and looks forward to continuing to identify opportunities to improve the quality and transparency of its work, many of which we can accomplish under current statutory authority.

If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at meghan.lynch@maryland.gov.

Sincerely,



Meena Seshamani, M.D., Ph.D.
Secretary of Health