



COMMISSION ON AGING

December 14, 2021

Dennis R. Schrader, Secretary of Health
Office of the Secretary
Maryland Department of Health
Herbert R. O'Connor State Office Building
201 W. Preston Street
Baltimore, MD 21201

Dear Secretary Schrader,

I am writing on behalf of the Montgomery County Commission on Aging (CoA) to urge the State to approve a new Memorandum of Understanding (MoU) with the Montgomery County (MC) Department of Health to allow nursing home surveyors who are employed by Montgomery County to conduct, and be responsible for, all nursing home surveys and investigations in Montgomery County. This new MoU would reinstate the previous program that worked well for 10 years, with the added benefit to the State that it would no longer be required to supplement funding for the Licensure & Regulatory Nursing Home Inspections Program in MC.

The Commission on Aging was established in 1974 to advise County government on the needs, interests, and issues of older adult residents, and to advocate on their behalf. A primary area of our concern is the protection and support for our vulnerable citizens who reside in nursing facilities. These individuals deserve care that provides them with a good quality of life. Unfortunately, there are many times when nursing facilities are remiss in their duties to their residents. Regulations to ensure the safety and health of residents in nursing facilities are extremely important for this at-risk population. However, the regulations only work if they are enforced and they are not being enforced at all at present in Montgomery County.

The previous MoU that the State elected not to renew expired on July 1, 2021 and the State Office of Health Care Quality (OHCQ) took over responsibility for all nursing facility inspections. In a presentation to the CoA on October 28, we learned that there has not been a single annual recertification survey conducted in MC since July 1 and there has been only one complaint investigation. Further, the MC Long Term Care Ombudsman Program filed numerous complaints on behalf of nursing facility residents and none were investigated. In addition, the MC Licensure & Regulatory Program submitted two complaints regarding infection control concerns that were observed by County Sanitarians and these too have not been investigated.

Clearly, OHCQ is unable to meet its responsibility to conduct surveys and investigations in MC nursing facilities and to ensure that regulations are being followed. Fortunately, there is a solution to this dangerous situation. The CoA advocated to our County Council Members and County Executive regarding this dangerous situation in our nursing facilities. To their credit, MC developed a new MoU in which the County picks up all the survey expenses. We are extremely proud that our County officials understood immediately the dangerous situation that was occurring and is making, what appears to us, a fine effort to resolve the problem.

Department of Health and Human Services

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We see no reason for the State not to approve the new MoU in which MC picks up all survey-related expenses and all responsibility for conducting the surveys. Approving this MoU will allow annual surveys and complaint investigations to begin again in MC, with no expense to the State.

The MC CoA strongly urges you to quickly approve this new MoU and allow work to protect our vulnerable nursing facility residents to begin again. Thank you for your attention to this extremely important matter.

Sincerely,

Barbara Selter

Barbara Selter, Chair

cc: Dr. Patricia Nay, Office of Health Care Quality
Heather Shek, Maryland Department of Health
Kirill Reznik, Maryland House of Delegates
Melanie Wenger, Montgomery County Office of Intergovernmental Relations
Clark Beil, Montgomery County Department of Health and Human Services
Leslie Frey, Montgomery County Department of Health and Human Services