



COMMISSION ON AGING

March 29, 2021

Members of the Montgomery County Delegation
Senator Guy Guzzone, Chair, Budget and Taxation Committee
Senator Delores Kelly, Chair, Finance Committee
Delegate Maggie McIntosh, Chair, Appropriations Committee
Delegate Shane Pendergrass, Chair, Health and Government Operations Committee

Dear Legislators:

The Montgomery County Commission on Aging (CoA) is aware that the Memorandum of Understanding between Montgomery County and the State of Maryland, that has been in effect for decades and allowed ten County surveyors to inspect and survey the 34 nursing homes in Montgomery County, will be terminated by the State. We have gone on record to express our concern regarding surveys and inspections, and ultimately care of residents, in nursing facilities in Montgomery County. The effectiveness of the Office of Health Care Quality (OHCQ) in replacing the County surveyors and ensuring timely and thorough inspections and quality care in Montgomery County nursing facilities is of utmost importance to us.

The Montgomery County CoA is authorized by the Older Americans Act, P.L. 116-131, and was established by Montgomery County in 1974 to advise County government on the needs, interests and issues of Older Adult residents, and to advocate on their behalf at the local, state and national levels. It is our obligation and duty to advocate in particular for residents of nursing facilities who may not be able to advocate for themselves.

While we understand that the termination of the MOU may be imminent, we are asking that the Montgomery County Delegation insert wording into the OHCQ budget for FY 22 to require an independent study of the actual impact of this change on the residents of the nursing facilities in the State and more specifically in Montgomery County. The study would assess actual costs and benefits; evaluate impacts on residents and facilities; and address specific questions regarding OHCQ's program to maintain continuity of surveys and inspections in Montgomery County nursing facilities beginning July 1, 2021 when the existing Memorandum of Understanding would end.

Questions that might be addressed in the study of impacts are as follow:

1. Montgomery County staffed two teams of four experienced County surveyors to inspect nursing facilities. Did OHCQ's survey teams provide the same quality of inspections and response to the facility and the residents?
2. Did the OHCQ provide the same level of expertise and experience compared to the surveyors from Montgomery County dedicated to nursing facilities?
3. One Montgomery County nursing facility surveyor acted as a liaison to the Long-Term Care Ombudsman Program Director, allowing the two entities to collaborate to resolve some residents' issues quickly and effectively. How well is that liaison role working under the OHCQ program?

Department of Health and Human Services

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4. What are the costs and benefits of the OHCQ program compared with the program under the MOU with Montgomery County?
5. How well has the OHCQ been able to recruit and retain surveyors for these positions? In addition, what incentives did the OHCQ's employ to motivate surveyors to work in Montgomery County?
6. Federal regulations require that ten percent of surveys begin off hour (or off shift) e.g., 6 am or on a weekend. Montgomery County surveyors exceeded the requirement as about 25 percent of their surveys began off hour. How often did OHCQ conduct off hour surveys in Montgomery County?
7. The Federal requirement is that complaints be investigated within 10 days. How well did OHCQ's program work to bring investigations closer into compliance compared with Montgomery County complaint investigations?

The ramifications of the change from County to State surveyors are significant. We believe that the State must monitor and evaluate the survey and certification process in Montgomery County nursing facilities over the course of the next one to two years in order to make sure residents do not suffer a degradation of care and quality of life.

We strongly endorse an independent study to evaluate the impacts of OHCQ's new approach to surveying and inspections of nursing facilities Montgomery County. We hope you agree and will insert wording to that effect in the FY 22 budget for the State OHCQ. Once completed the impact study needs to be made public and available to the Montgomery County Council.

We look forward to hearing back soon with assurances that the situation will be closely monitored and evaluated.

Sincerely,
Barbara Selter sb
Barbara Selter, Chair
Commission on Aging

CC:

Members of the Senate Budget and Taxation Committee

Members of the Senate Finance Committee

Members of the House Appropriations Committee

Members of the House Health and Government Operations Committee