



COMMISSION ON AGING

April 1, 2021

The Honorable Marc Elrich, County Executive
101 Monroe Street, 2nd floor
Rockville, MD 20850

Tom Hucker, President
Montgomery County Council
Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Dear County Executive Elrich and County Council President Hucker:

I am writing on behalf of the Montgomery County Commission on Aging (CoA) to express our grave concern regarding surveys and inspections, and ultimately care of residents, in nursing facilities in Montgomery County. We are concerned because the Memorandum of Understanding (MoU) between Montgomery County and the State of Maryland, which has been in effect for decades and allows ten County surveyors to inspect and survey the 34 nursing homes in Montgomery County, will not be renewed by the State.

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.

Our specific questions to the County Administrator and the County Council are as follows:

- 1) What is the County's plan for the 10 nursing facility surveyors who will no longer be employed under the MoU? It is our hope that they will remain in the nursing facility arena where they are sorely needed.
- 2) When the County surveyors no longer conduct surveys for the State, they won't be able to conduct their concurrent County inspections. What happens to the requirements regarding County certifications? Is there a plan to ensure that our nursing facility residents will be safe when this transition from County Surveyors to State Surveyors takes place this July?

It is our understanding that the ten current Montgomery County nursing facility surveyors will be replaced by seven new surveyors at the State Office of Health Care Quality (OHCQ), but only four of these will be nursing facility surveyors. We have received no assurances that these four additional nursing facility surveyors will be solely dedicated to nursing facilities in Montgomery County. Even if they are so dedicated, we question how four surveyors can effectively replace ten surveyors. Further, these new State surveyors would not be simultaneously inspecting for compliance with County requirements.

Unfortunately, the OHCQ does not have a good track record for meeting its current obligations regarding nursing facilities. It is out of compliance with federal regulations in several ways. OHCQ takes about 33 days to answer a complaint¹, whereas the federal requirement is 10 days. OHCQ is out of compliance with the regulation requiring annual surveys with many nursing facilities going over 15 months between annual surveys.²

It is clear that OHCQ struggles to effectively cover its current assigned territory. We are quite skeptical that the State will be able to handle the additional 34 nursing facilities in Montgomery County and, unfortunately, the residents of these nursing facilities will suffer. Therefore, it is imperative that, if this transition occurs, the County is prepared with a plan to ensure that our nursing facility residents remain safe and that the current County surveyors continue to work with nursing facilities.

Given the year that our frail, elderly and vulnerable citizens in nursing facilities just experienced, it is imperative that the County either work toward the continuation of the MoU or are prepared with a very good plan for protecting these residents. Our residents in nursing facilities watched the deaths of their friends and roommates and suffered from a loneliness unlike any experienced before. It is incumbent upon all of us to make sure that these residents do not suffer a degradation of care and quality of life, especially after all that they have been through.

The CoA greatly appreciates your attention to this urgent matter and stands ready to assist you in your work.

Sincerely,
Barbara Selter
Commission on Aging, Chair

¹ Analysis of the FY 2022 Maryland Executive Budget, 2021, page 9

² OHCQ FY19 annual report states the number of full annual surveys conducted from FY17-FY19, page 15: https://health.maryland.gov/ohcq/Documents/OHCQ_Annual_Report_Fy2019.pdf

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