



COMMISSION ON AGING

May 16, 2023

Laura Herrera Scott, MD, MPH
Secretary of Health
Maryland Department of Health
Herbert R. O'Connor State Office Building
201 West Preston Street
Baltimore, MD 21201-2399

Dear Secretary Herrera Scott:

On behalf of the Montgomery County Commission on Aging (CoA), we offer our congratulations on your appointment to the position of Secretary of Health of Maryland. We wish you great success and look forward to working with you to advance the needs of the residents of our state.

The CoA is authorized by the Older Americans Act, P.L. 116131, and was established by Montgomery County in 1974 to advise County government on the needs, interests, and issues of concern to its older residents, and to advocate on their behalf at the local, state and national levels.

As you know, during the past many months, the CoA has expressed concern about the state's nursing home inspection process as it relates to Montgomery County. Unfortunately, although we have tried, we have found the Office of Health Care Quality (OHCQ) to be unresponsive to our concerns about this issue and unresponsive to our requests and to those of County officials for basic information on whether on-site surveys and on-site investigations are being conducted in Montgomery County (MC). The Commission remains gravely concerned about this matter. The failure to adequately and effectively inspect nursing homes puts the most vulnerable people at great risk for serious harm. We raised this issue with Governor Moore's transition team members, Dr. Joshua Sharfstein, Marie Grant, Lisa Brown, Susan Lee and Ernest Bailey on December 21, 2022.

We would like to follow up on the February 16, 2023 letter that you wrote to the Chair and Vice-Chair of the General Assembly's Health and Social Services Subcommittee providing answers to questions asked at the February 8, 2023 Maryland Department of Health (MDH) OHCQ budget hearing.

Below are our initial reactions to the points in your letter:

1. The letter states that the need to improve budgetary efficiencies in FY 2022 was one factor in the decision not to renew the MOU. Given that the MC Department of Health and Human Services offered to absorb the entire cost of the nursing home survey and inspection program in the County, we believe this assertion is moot.

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2. The letter notes that the consistent implementation of survey processes throughout the state is a second factor in the decision not to renew the MOU. While we understand the desire for a consistent process, the only current consistency is the absence of timely annual and complaint surveys and investigations. At least with the MOU in place, Montgomery County nursing facilities were inspected in a timely manner and the State had 34 fewer nursing facilities to inspect.

The letter notes that the industry standard is to rotate surveyors to different facilities in various geographic regions and that this cannot be accomplished within one county. While the industry standard may be the ideal, given how few inspections are occurring within the State, we believe that rotating surveyors among the 34 nursing facilities in MC is more rigorous and affords greater protection to our vulnerable nursing home residents and is preferable to the alternative in which both annual and complaint surveys are so few and far between. The CoA is extremely pleased that you are exploring both long-term and short-term solutions to this nursing home inspection crisis and that the State is open to further discussions with stakeholders about options, including solutions that are Montgomery County-specific. We urge you to initiate these discussions as soon as possible. We greatly appreciate your commitment to work with stakeholders on this complex issue and we look forward to working with you and your staff to find an effective and transparent resolution to the nursing home inspection issue.

Separately, we are troubled that we did not get a direct response from OHCQ regarding its plans to meet its responsibilities in MC. Specifically, the MC Department of Health and Human Services wrote to OHCQ Deputy Director Heather Reed to formally request improved communication and collaboration between the local ombudsman team and OHCQ. Instead of a response from OHCQ, the County received a follow-up communication from the State Ombudsman. We are deeply concerned that OHCQ seems willing to communicate only with state agencies (the State ombudsman) but not local officials in Montgomery County.

Sincerely,
David Engel

David Engel, Chair