



# Office of Health Care Quality Fiscal Year 2025 Budget Hearing

February 2023



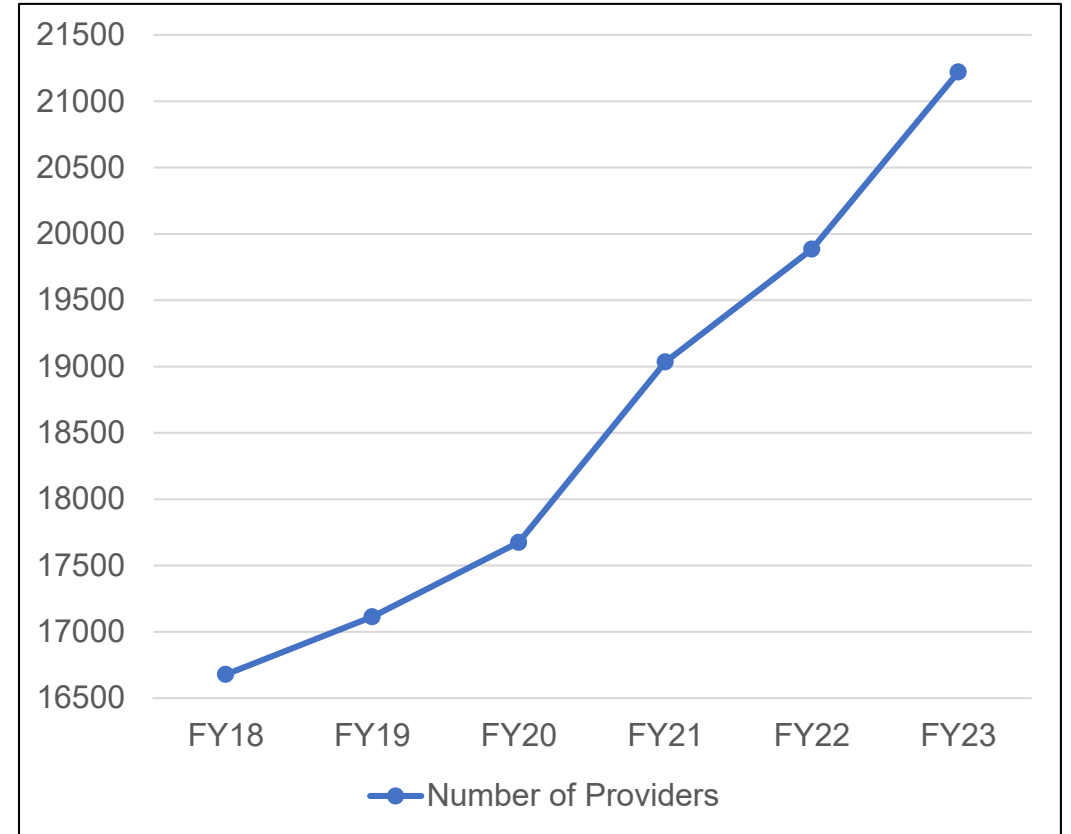
# Office of Health Care Quality

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- Office of Health Care Quality (OHCQ) is the agency within the Maryland Department of Health (MDH) charged with determining compliance with State licensure and/or federal certification requirements in 47 types of health care facilities and community-based programs
- Mission: To protect the health and safety of Marylanders and to ensure there is public confidence in the health care and community delivery systems

# OHCQ's Oversight of Providers – July 1, 2023

- OHCQ oversees 21,221 providers
- Continuous growth with 6.7% increase in the number of providers overseen by OHCQ over the past year
- Growth in:
  - Residential service agencies
  - Health care staff agencies
  - Sites serving individuals with developmental disabilities
  - Clinical laboratories



# FY23 Accomplishments

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- Implemented revised licensure processes for health care facilities and community-based providers and provided enhanced technical support, resulting in faster processing of licensure applications
  - Maryland laboratory license applications are processed in 1 – 2 business days
- Implemented a new software platform for all survey activities for 17 provider types, including assisted living programs, adult medical day care, health care staff agencies, and residential service agencies
- Enhanced the [Long Term Care CHOW Dashboard](#) to include information about the CHOW process, required forms, links to other resources, and a real-time list of all completed CHOWs in Maryland
- Completed a multi-year review of COMAR 10.07.14 Assisted Living Programs, proposed regulations are awaiting publication in the Maryland Register

**MDH ATTENDEES:** Laura Herrera Scott, MD, MPH, Secretary  
Nilesh Kalyanaraman, MD, Deputy Secretary, Public Health Services  
Tricia Nay, MD, Executive Director, Office of Health Care Quality  
Amalie Brandenburg, MDH Chief Financial Officer

Available For Questions: Nilesh Kalyanaraman, MD, Deputy Secretary, Public Health Services  
Tricia Nay, MD, Executive Director, Office of Health Care Quality

**Maryland Department of Health (MDH) Office of Health Care Quality**  
**Fiscal Year 2025 Operating Budget**  
**Response to Department of Legislative Services Analysis**

**House Appropriations Committee**  
**Health and Social Services Subcommittee**  
**Delegate Emily Shetty**  
**February 7, 2024**

**Senate Budget and Taxation Committee**  
**Health and Human Services Subcommittee**  
**Senator Cory McCray**  
**February 9, 2024**

The Department thanks the Governor, the Department of Budget and Management (DBM), and the Budget Committees for their support. We thank the Department of Legislative Services for its insightful budget analysis and for its recommendations to concur with the Governor's allowance.

**OHCQ should discuss why the vacancy rate has recently increased to 17.2% in January 2024 and what efforts are being made to fill vacant positions.**

The vacancy rate includes turnover of existing positions, new fiscal year 2024 positions, and recent contractual to merit conversions. With the recent filling of new FY 2024 positions (12) and merit conversions (6), our current vacancy rate is 8.99% with a turnover rate of 6.76%. See below for the status of efforts to fill the current vacant positions:

- nurse surveyor vacancies (15 positions) are currently posted;
- interviews are being conducted for five (5) vacancies;
- two vacancies are due to separations that occurred in January 2024 and are pending posting; and
- for one vacancy, the position has closed and we are awaiting receipt of the recruitment list.

The Department has increased recruitment efforts and continues to identify new avenues to improve employee retention and recruitment. Among other things, this includes reinstating in person agency-wide job fairs at headquarters, participating in multi-agency job fairs, and developing recruitment pipelines with academic institutions. Other strategies include reviewing and modifying job requirements to increase employment, using more descriptive titles in job postings, and utilizing continuous job postings as appropriate.

**OHCQ should comment on the Long Term Care Unit’s ability and planned strategies to fill 13 new positions in fiscal 2025.**

- OHCQ has demonstrated the ability to fill vacancies. As part of a December 2023 recruitment, 8 long term care nurse surveyors were hired.
- For new FY2025 positions strategies to fill positions are as follows:
  - New MS 22s are finalized and awaiting new PIN numbers.
  - Job postings have been written and reviewed and will be posted in early May for anticipated July hiring.
  - The Department has taken a number of steps to advertise to a broader market and utilize job fairs.
  - OHCQ will continue recruitments for open positions

**OHCQ should provide the number of complaint surveys in nursing homes that are currently overdue and their impact on agency and nursing home operations. OHCQ should also explain the planned use of these funds, including the timeline for choosing a vendor and awarding a contract, and plan for resolving overdue complaint surveys.**

The Centers for Medicare & Medicaid Services does not publicly report on the number of pending complaints. OHCQ’s [annual reports and staffing analysis](#) contain the total number of complaints received in past State fiscal years.

In anticipation of receiving funds, the Department is in the process of developing an Invitation for Bid (IFB) to select a vendor. The contractors will complete pending complaint surveys while the OHCQ certified nurse surveyors will generally complete overdue annual surveys. Concurrently, OHCQ will be hiring and training nurse surveyors. OHCQ projects that 63 certified nurse surveyors are needed to complete the current number of incoming complaints and annual surveys each year, once all outstanding complaints are cleared.

The projected outcome of this procurement, along with additional funds identified by the department, coupled with the hiring and training of new long term care nurse surveyors, will result in clearing approximately two thirds of the pending complaints by June 30, 2025. Concurrently, the percentage of overdue annual surveys are expected to decrease by over forty percent.

**OHCQ should provide estimates for the number and share of licensed providers in Maryland that do not currently meet the minimum staffing levels required in the proposed CMS rule. These estimates should specify the number and share of providers that do not meet the proposed staffing level requirements and serve Medicaid participants. The office should also discuss the projected operational impact of ensuring provider compliance with the proposed rule, including any additional staff that would be needed.**

In FY2023, OHCQ cited 8 nursing homes for not meeting the required staffing levels at a point in time. In FY2024, year-to-date, OHCQ has cited 12 nursing homes for not meeting the required staffing levels. Currently 222 Maryland nursing homes participate in Medicaid.

The proposed federal rule on staffing includes:

- a registered nurse (RN) onsite 24 hours a day, 7 days a week;
- nursing homes to provide at least 0.55 hours (33 minutes) per resident day of care from RNs and 2.45 hours (2 hours and 27 minutes) per resident day of care from nurse aides; and
- enhanced facility assessment requirements, including requiring facilities to use evidence-based methods, assess specific needs of each resident in the facility, include the input of facility staff, and develop a staffing plan to maximize recruitment and retention.

Maryland already meets some of the requirements set forth in the proposed federal rule. Since 2019, Maryland law has required a nursing home to be staffed with at least one registered nurse 24 hours per day and 7 days per week.<sup>1</sup> Maryland law also requires nursing homes to employ supervisory personnel and a sufficient number of support personnel to provide a minimum of 3 hours of bedside care per occupied bed per day, 7 days a week.<sup>2</sup> The majority of Maryland's nursing homes exceed this minimum requirement for staffing.

Currently nursing homes are required to submit payroll data to CMS which is used to determine the facility's staffing. Also, nursing homes currently complete facility assessments. OHCQ reviews these assessments on annual surveys and other surveys, as applicable. If the proposed federal rule passes, OHCQ does not anticipate any additional operational impact and will not require additional staff as surveyors already review staffing and facility assessments on annual surveys and other surveys, as applicable.

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<sup>1</sup> COMAR 10.07.02.19(C)(1)

<sup>2</sup> COMAR 10.07.02.19(B)(1)