



# OHCQ Report to the Oversight Committee State Fiscal Year 21

**Tricia Tomsco Nay, MD, Executive Director**  
**Office of Health Care Quality**

November 10, 2021



# 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 monitoring the quality of care in 45 types of health care facilities and community-based programs (47 types in FY 22)
- Mission: To protect the health and safety of Marylanders and to ensure there is public confidence in the health care and community delivery systems

# Functions of OHCQ

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- 1. Licensure:** Issues licenses, authorizing a facility to do business in the State
- 2. Certification:** Recommends certifications to the Centers for Medicare & Medicaid Services (CMS), which allow a facility to participate in the Medicare and Medicaid programs
- 3. Survey:** Conducts surveys to determine compliance with State and federal regulations
- 4. Technical Assistance:** Provides technical assistance to applicants, licensees, consumers, and other stakeholders

*CMS has designated OHCQ as Maryland's state survey agency*

## **OHCQ is an Agent of CMS**

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- The Centers of Medicare & Medicaid Services (CMS) has designated OHCQ as Maryland's state survey agency
  - Social Security Act mandates the establishment of federal minimum health and safety and CLIA standards that must be met by providers and suppliers in order to participate in the Medicare and Medicaid programs
    - In this context, providers are patient care institutions, such as hospitals, hospices, nursing homes, and home health agencies
    - Suppliers are agencies for diagnosis and therapy rather than sustained patient care, such as laboratories and ambulatory surgery centers
  - On behalf of CMS, OHCQ conducts certification, recertification, and CLIA activities

*Why is initial and on-going certification crucial to a provider or supplier?*

## **Purpose of Certification**

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- OHCQ makes recommendations regarding certification of a provider or supplier to CMS
- Once certified, a provider or supplier may participate in and seek reimbursement from Medicare and Medicaid
- If a provider or supplier is not certified, they are not eligible to receive any Medicare or Medicaid funds

# OHCQ's Strategic Planning Process

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- 1. Regulatory efficiency and effectiveness:** Efficient and effective use of limited resources to fulfill our mandates
- 2. Core operations:** Focus on core business functions and maintaining accountability
- 3. Customer service:** Consistent, timely, and transparent interactions with all stakeholders
- 4. Quality improvement:** Sustain an internal quality improvement process

*OHCQ's technological solutions enhance efficiency while maintaining effectiveness*

## **Agile Technology Modernization**

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- Implemented internal- and external-facing dashboards for employees, consumers, applicants, providers, and other stakeholders
  - Organize important information in a single on-line location that is easily accessible from any device connected to the Internet
  - Internal dashboards provide real-time information about tasks and deadlines, allowing supervisors to more effectively manage personnel and data

During the COVID pandemic, OHCQ remained committed to clear communication

# Website Modernization

The screenshot shows the website for the Office of Health Care Quality (OHCQ) within the Maryland Department of Health. The header features a search bar, navigation menus for 'Individuals and Families', 'Providers and Professionals', 'Media and Publications', and 'Offices and Administrations', and a secondary menu for 'Programs', 'Consumers', 'Patient Safety', 'Grants', 'Regulations', and 'Reports'. The main content area includes a 'QUICK LINKS' section with items like 'Licensee Directories', 'File a Complaint', and 'Long Term Care COVID-19 Dashboard'. Below this is an 'ANNOUNCEMENTS' section with two items related to COVID-19 testing and information. The central focus is the 'Office of Health Care Quality' heading, followed by the address '7120 Samuel Morse Drive, Second Floor, Columbia, MD 21046-3422' and phone numbers '410-402-8015', '877-402-8218', and 'TTY 800-735-2258'. An aerial photograph of a large, modern building complex is displayed below the contact information. A descriptive paragraph states that OHCQ is the agency within the Maryland Department of Health charged with monitoring the quality of care in Maryland's health care facilities and community-based programs, overseeing 17,676 providers in 44 industries as of July 1, 2020. The 'Functions' section lists four key areas: Licensure, Certification, Surveying, and Technical Assistance, each with a brief description of the agency's role.

Search...

Individuals and Families ▾ Providers and Professionals ▾ Media and Publications ▾ Offices and Administrations ▾

MARYLAND DEPARTMENT OF HEALTH  
Office of Health Care Quality

Programs Consumers Patient Safety Grants Regulations Reports

**Office of Health Care Quality**  
7120 Samuel Morse Drive, Second Floor, Columbia, MD 21046-3422  
410-402-8015 877-402-8218 TTY 800-735-2258

**QUICK LINKS**

- Licensee Directories
- File a Complaint
- Long Term Care COVID-19 Dashboard
- OHCQ Career Opportunities

**ANNOUNCEMENTS**

- Maryland Laboratories Licensed to Perform COVID-19 Testing
- Department of Health - Coronavirus Disease 2019 (COVID-19) Information

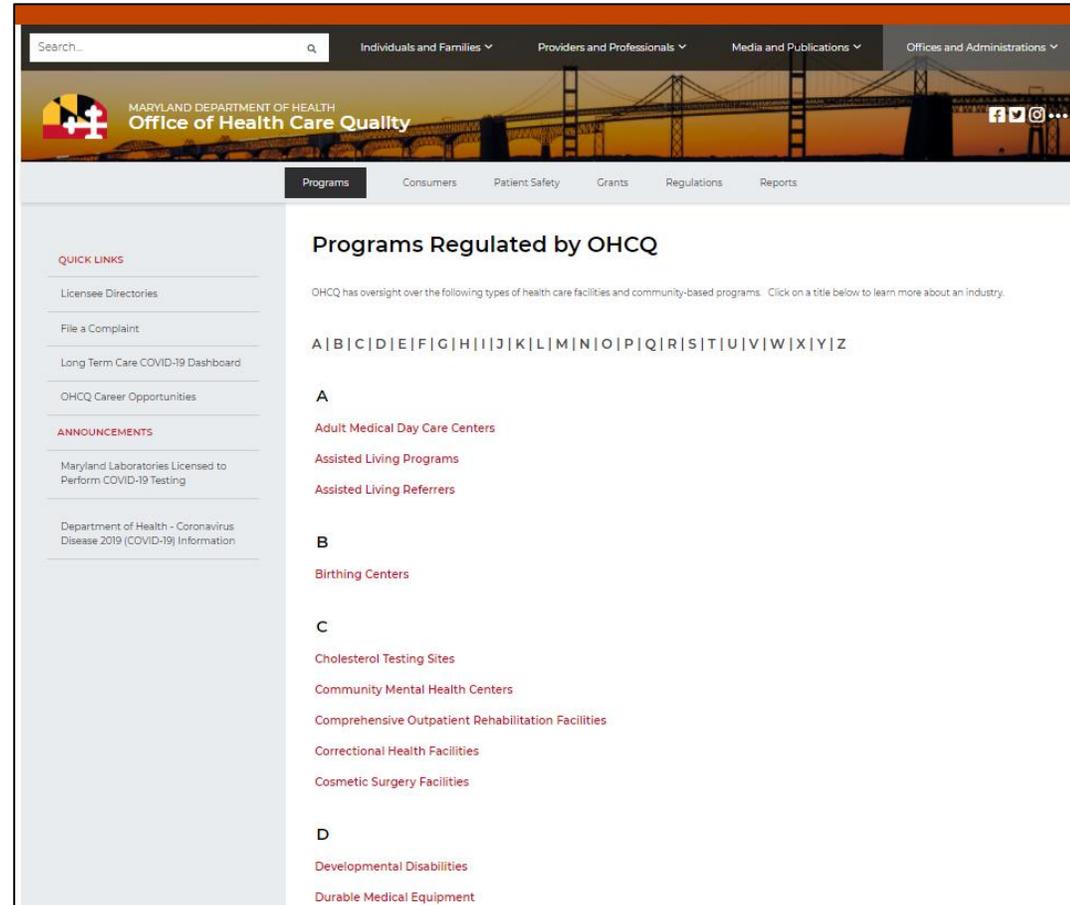
**Office of Health Care Quality**  
7120 Samuel Morse Drive, Second Floor, Columbia, MD 21046-3422  
410-402-8015 877-402-8218 TTY 800-735-2258

The Office of Health Care Quality (OHCQ) is the agency within the Maryland Department of Health charged with monitoring the quality of care in Maryland's health care facilities and community-based programs. As of July 1, 2020, OHCQ oversees 17,676 providers in 44 industries.

**Functions**

- Licensure:** On behalf of the Maryland Secretary of Health, OHCQ issues State licenses which authorize a facility or program to do business in Maryland.
- Certification:** On behalf of the Centers for Medicare and Medicaid Services (CMS), OHCQ conducts certification, recertification, and CLIA activities. OHCQ makes recommendations to CMS regarding certification of a provider or supplier. Once certified, a provider or supplier may participate in and seek reimbursement from Medicare and Medicaid.
- Surveying:** OHCQ conducts various types of surveys under federal and/or State authority to determine compliance with federal and State regulations. These regulations set forth the minimum standards for the delivery of care in these industries.
- Technical Assistance:** OHCQ provides technical assistance to applicants, licensees, consumers, and other stakeholders.

# Program Specific Information



The screenshot shows the website for the Maryland Department of Health Office of Health Care Quality. The header includes a search bar and navigation menus for 'Individuals and Families', 'Providers and Professionals', 'Media and Publications', and 'Offices and Administrations'. The main navigation bar highlights 'Programs' and includes links for 'Consumers', 'Patient Safety', 'Grants', 'Regulations', and 'Reports'. The page title is 'Programs Regulated by OHCQ'. A sub-header states: 'OHCQ has oversight over the following types of health care facilities and community-based programs. Click on a title below to learn more about an industry.' Below this is an alphabetical index: 'A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z'. Under the letter 'A', the following programs are listed: 'Adult Medical Day Care Centers', 'Assisted Living Programs', and 'Assisted Living Referrers'. Under the letter 'B', 'Birthing Centers' is listed. Under the letter 'C', 'Cholesterol Testing Sites', 'Community Mental Health Centers', 'Comprehensive Outpatient Rehabilitation Facilities', 'Correctional Health Facilities', and 'Cosmetic Surgery Facilities' are listed. Under the letter 'D', 'Developmental Disabilities' and 'Durable Medical Equipment' are listed. A sidebar on the left contains 'QUICK LINKS' (Licensee Directories, File a Complaint, Long Term Care COVID-19 Dashboard, OHCQ Career Opportunities) and 'ANNOUNCEMENTS' (Maryland Laboratories Licensed to Perform COVID-19 Testing, Department of Health - Coronavirus Disease 2019 (COVID-19) Information).

# Assisted Living Dashboard



MARYLAND DEPARTMENT OF HEALTH  
Office of Health Care Quality

Programs Consumers Patient Safety Grants Regulations Reports

**OHCQ** *Protecting the health and safety of Marylanders across the health care continuum* **Assisted Living Programs**

**Description**

An assisted living program is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of these services to meet the needs of individuals who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, in a way that promotes optimum dignity and independence for the individuals.

It does not include a nursing home, as defined under Health-General Article, §19-301, Annotated Code of Maryland; a State facility, as defined under Health-General Article, §10-101, Annotated Code of Maryland; a program licensed or approved by the Department under Health-General Article, Title 7 or Title 10, Annotated Code of Maryland; a hospice care program licensed by the Department under Health-General Article, Title 19, Annotated Code of Maryland; services provided by family members; services provided by a licensed residential service agency or licensed home health agency in an individual's own home; or a Certified Adult Residential Environment Program that is certified by the Department of Human Services under Article 88A, §140, Annotated Code of Maryland.

OHCQ is responsible for the licensure and oversight of assisted living programs.



**Maryland Regulations**

Regulations related to assisted living programs are found in [COMAR 10.07.14](#). To order copies of COMAR regulations, call the Maryland Division of State Documents at 410-260-3876 or 800-633-9657. Regulations are also available at public libraries - Find your [nearest public library](#).

**Licensee Directory** The contact information for assisted living programs is at [Licensee Directory](#). The files can be viewed or downloaded with Adobe Acrobat®, Microsoft® Word or Microsoft® Excel.

**Public Comments**  
COMAR 10.07.14C

**Consumer Resources**

**Provider Resources**

**Transmittals**

Program Manager - Shawn Settles 410-402-8217 877-402-8221 TTY 800-735-2258 Contact the [Assisted Living Team](#)  
Deputy Director - Carol Fenderson Fax 410-402-8211 File an [Assisted Living Complaint](#)

# Long Term Care CHOW Dashboard

MARYLAND DEPARTMENT OF HEALTH  
Office of Health Care Quality

Facebook Twitter LinkedIn

Programs
Consumers
Patient Safety
Grants
Regulations
Reports

**OHCQ** *Protecting the health and safety of Marylanders across the health care continuum*

**Long Term Care CHOW Dashboard**

**Nursing Homes License Directory**

- [License Directory \(PDF\)](#)
- [License Directory \(Word\)](#)
- [License Directory \(Excel\)](#)

**Transmittals**

- [CHCO](#)
- [Medicaid](#)

**CHOW Application - Required Documents**

- [List of Required Documentation](#)
- [A. LTC Licensure Application and Instructions](#)
- [B. Principal Physician Agreement](#)
- [C. Director of Nursing Agreement](#)
- [D. Provider Ownership and Disclosure Form](#)
- [E. State Affidavit](#)
- [F. Workers' Compensation Law Questionnaire](#)
- [G. Certificate of Compliance, as applicable](#)
- [H. Proof of Financial Ability to Operate](#)
- [I. Adverse Legal Actions/Convictions](#)
- [J. Chain Home Office Information](#)
- [K. CMS 671 Application - Medicare and Medicaid](#)
- [L. Proof of Submission - Civil Rights Compliance](#)
- [M. CMS 1561 - Health Insurance Benefits Form](#)
- [Q. Compliance History Form](#)

**To File a Complaint**

[Paper Complaint Form](#)

[Online Complaint Form](#)

Call 410-402-8201 or 877-402-8219

**Long Term Care Change of Ownership (CHOW)**

Office of Health Care Quality's Long Term Care Unit ensures that State licensure and federal standards are maintained for nursing homes. Per licensure regulations, CHCO must be informed of any nursing home facility's changes in ownership (CHOW). If the sale, transfer, assignment, or lease of a facility causes a change in the person or persons who control or operate the facility, the facility shall be considered a "new facility." The transfer of any stock which results in a change of the person or persons who control the facility, or a 25% or greater change in any form of ownership interest, constitutes a sale. Per COMAR 10.07.02.03, when a CHCO occurs the new ownership shall conform to all regulations applicable at the time of transfer of the nursing home facility's operations.

CHCO must be notified of any changes to the person or persons controlling or operating the facility through submission of a completed CHOW application. All required documents must be received before processing can begin. Once CHCO has approved the CHOW application, it will be sent to CMS for final processing and approval. Please see the CHOW Application for the required documentation.

**Submission Instructions**

- [Submission Instructions using a Zip Drive](#)
- [Submission Instructions with Combined Files](#)

**Regulations - COMAR 10.07.02**

Online: <http://www.dcd.state.md.us>

To order copies of COMAR regulations, call the Maryland Division of State Documents at 410-260-3876 or 800-633-9557.

Available at public libraries [Find your nearest public library](#)

**Links to Resources**

- [Medicaid Supports Planning](#)
- [Maryland Labor Board](#)
- [Maryland Access Point](#)
- [Maryland Health Care Commission](#)
- [Civil Rights Compliance](#)
- [CMS Form 671](#)

**Links to Websites**

- [Worker's Compensation](#)
- [Nurse Practice Act](#)
- [Maryland Board of Nursing](#)
- [MD Department of Transportation](#)
- [Medicaid Fraud Control Unit](#)
- [CMS State Operations Manual \(SOM\)](#)
- [Center for Medicare and Medicaid Services](#)

**Maryland Health Care Commission**

The Maryland Health Care Commission is an independent regulatory agency whose mission is to plan for health system needs, promote informed decision-making, increase accountability, and improve access in a rapidly changing healthcare environment by providing timely and accurate information on availability, cost, and quality of services to policy makers, purchasers, providers and the public. To access the Consumer Guide to Long Term Care, please visit their website.

**Long Term Care CHOW**

Facility's Name Before CHOW	Facility's New Name	Date New License Issued
Crofton Convalescent Center	2131 Davidsonville OPCO LLC, to Autumn Lake at Crofton	05/01/21
PowerBack Rehabilitation, Brightwood Campus	ProMedica Skilled Nursing and Rehabilitation (Brightwood)	05/01/21
Oakwood Nursing Center	Oakwood SNF LLC	05/01/21
24 Truckhouse Road Operations LLC	Complete Care at Severna Park LLC	05/01/21
7700 York Road Operations LLC	Complete Care at Multi Medical Center LLC	05/01/21
1 Magnolia Drive Operations LLC	Complete Care at Le Plata LLC	05/01/21
7232 German Hill Road Operations LLC	Complete Care at Heritage LLC	05/01/21
205 Armstrong Avenue Operations LLC	Complete Care at Conica Hills LLC	05/01/21
Waugh Chapel Center	1221 Waugh Chapel OPCO LLC, to Autumn Lake Healthcare at Waugh Chapel	05/01/21

<b>Deputy Director</b> - Heather Reed <b>Program Manager</b> - Laura Norman, Acting	410-402-8201   877-402-8219   TTY 800-735-2258 Fax 410-402-8234	Contact the <a href="#">Long Term Care Team</a> File a <a href="#">Long Term Care Complaint</a>
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# Protecting Older and Vulnerable Adults

The screenshot shows the website for the Maryland Department of Health Office of Health Care Quality. The page is titled "Protecting Older and Vulnerable Adults" and features several sections:

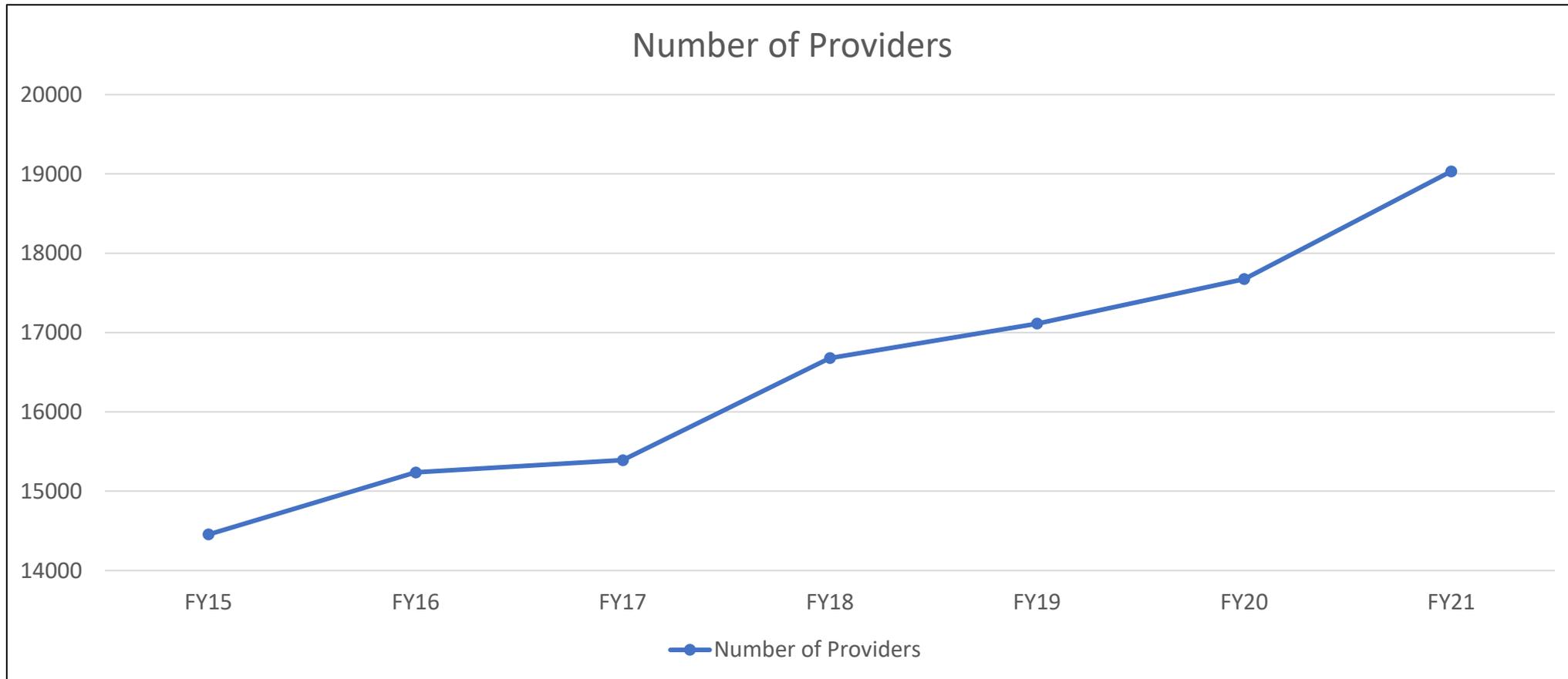
- Know the signs of abuse:** Includes a video thumbnail with the text "Do you know the signs of Elder Abuse?".
- COVID-19 Resources:** Lists links for "COVID-19 Fraud Schemes", "Medicare covers the COVID-19 vaccines, so there will be no cost to you.", and "Protecting Yourself from Identity Theft".
- Fraud and Abuse:** A section header.
- Centers for Medicare & Medicaid Services:** Lists links for "How to Report Fraud or Suspected Fraud", "Medicare Fraud and Abuse Reports", "Nursing Home, Medicaid, & Stimulus Checks", and "Protect Week Resources".
- Maryland Office of the Attorney General:** Includes the name "BRIAN E. FROSH" and "STATE ATTORNEY GENERAL".
- Protecting Older and Vulnerable Adults in Maryland:** A central text block stating: "The Office of Health Care Quality is the agency within the Maryland Department of Health that oversees the quality of care in 44 types of health care facilities and community-based programs. To achieve our mission of protecting the health and safety of Marylanders across the health care continuum, OHCQ raises awareness of elder abuse and neglect and investigates allegations in these licensed settings. This web page contains many resources ranging from helping to report abuse to supporting abuse victims and their families." Below this text is a group photo of six diverse elderly people.
- What is elder abuse and neglect?:**
  - Physical Abuse:** The use of force causing harm or pain to an individual, which includes, but is not limited to, hitting, kicking, pinching, slapping, shoving, shaking, and burning. It may involve the inappropriate use of medication or physical restraints.
  - Financial Abuse or Exploitation:** Wrongfully taking or using an older adult's funds or property through theft, scams, fraud, or predatory lending.
  - Psychological Abuse:** Causing emotional pain through verbal assaults, threats, or harassment. Perpetrators intimidate, humiliate, or attempt to isolate their victims.
  - Sexual Abuse:** Non-consensual sexual contact of any kind, including contact with an individual unable to consent to such contact. For instance, if they suffer from dementia and are unable to understand.
- Resources - Maryland Neighborhood Map:** A map of Maryland showing counties and county seats.
- National Elder Abuse Fraud Hotline:**
  - 833-FRAUD-11 or 833-372-8311
  - Every day, 8:00 a.m.–11:00 p.m. eastern time.
  - English/Español/Other languages available
- Department of Justice's Elder Justice Initiative:** Includes a video thumbnail with the text "Elder Justice Initiative" and "Protecting vulnerable older adults and their families. We've got your back."

# OHCQ's Oversight of Providers in FY 21

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- As of July 1, 2021, OHCQ oversees 19,032 providers in 45 industries
- 7.7% increase in the number of providers overseen by OHCQ
- Primarily in residential service agencies, health care staff agencies, and clinical laboratories.

# Number of Providers Under OHCQ Oversight



# Long Term Care Unit

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Office of Health Care Quality

# Long Term Care Unit

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- Determines if nursing homes are complying with federal survey and certification standards, State licensure regulations, and local regulations through unannounced on-site surveys, follow-up visits, and complaint investigations, as well as administrative reviews

# Reprioritization of Long Term Care Activities

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- March 4, 2020: CMS reprioritized nursing home survey activities.
- March 16, 2020: Maryland Secretary of Health issued an order limiting survey activities in certain circumstances. The Secretary rescinded this order on October 1, 2020.
- August 17, 2020: CMS granted that normal survey activities could resume once a state entered phase 3 of reopening
  - Maryland, with the exception of Baltimore City, Anne Arundel County, Montgomery County, and Prince George's County, entered Phase 3 on September 4, 2020, at 5:00 p.m.

*What has changed in the oversight of nursing homes?*

## **New State and Federal Nursing Home Mandates**

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- Focused Infection Control (FIC) survey for nursing homes
- HB0674/SB0704 - Nursing Homes – Transfer of Ownership
- Surveys related to COVID-19:
  - Testing requirements
  - CRISP reporting requirements
  - Review of emergency plans
- Informal and formal State and federal appeals

# Nursing Homes Statistics

Units of Measurement	FY19	FY20	FY21
Number of licensed nursing homes	227	227	226
Initial surveys of new providers	1	0	0
Annual full surveys	172	84	27
Focused infection control surveys	N/A	38	434
Follow-up surveys (onsite)	22	35	33
Complaints and facility self-reported incidents	3,902	4,182	4,067
Complaints and self-reported incidents, investigated	2,417	1,350	2,281
Compliance with COVID-19 testing	N/A	N/A	47
Compliance with COVID-19 CRISP reporting	N/A	N/A	99
Emergency plan reviews	N/A	N/A	78
Follow-up surveys (offsite)	N/A	N/A	277

# Most Frequently Cited Federal LTC Deficiencies in FY 21

Federal Tag	Description of Tag	Total Citations
F 656	Comprehensive Care Plan	124
F 842	Resident Records - Identifiable Information	121
F 684	Quality of Care	110
F 657	Care Plan Timing and Revision	101
F 623	Notice Requirements Before Transfer or Discharge	101
F 880	Infection Prevention and Control	97
F 584	Safe, Clean, and Comfortable Homelike Environment	81
F 812	Food Procurement, Store, Prepare, Serve Sanitary	81
F 641	Accuracy of Assessments	78
F 689	Free of Accident Hazards, Supervision, Devices	75
F 550	Resident Rights and Exercise of Rights	73
F 761	Label and Store Drugs and Biologicals	71
F 757	Drug Regimen is Free from Unnecessary Drugs	58
F 758	Free from Unnecessary Psychotropic Meds	57
F 756	Drug Regimen Review	56
F 625	Notice of Bed Hold Policy Before and Upon Transfer	54
F 580	Notify of Changes	48
F 655	Baseline Care Plan	47
F 692	Nutrition and Hydration Status Maintenance	44
F 697	Pain Management	37

# Scope and Severity of Federal Deficiencies

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- Federal nursing home deficiencies are rated from A – L, based on scope and severity, with L being the most serious
  - Scope is the prevalence and is based on the number of residents affected by the deficient practice
  - Severity is an assessment of the actual or potential harm to residents caused by the deficient practice
  - Most serious deficiencies are G through L: Situations where the facility's noncompliance has caused, or is likely to cause, serious injury, impairment, or death to a resident

## Actual Harm and Immediate Jeopardy Deficiencies - FY 21

Federal Tag	Description of Tag	G	H	I	J	K	L
F 550	Resident Rights, Exercise of Rights	1					
F 563	Right to Receive or Deny Visitors		1				
F 578	Right to Refuse, Formulate Advance Directives	1			2		
F 600	Free from Abuse and Neglect	5					
F 603	Free from Involuntary Seclusion	1					
F 678	Cardiopulmonary Resuscitation (CPR)				2		
F 684	Quality of Care	2					
F 686	Treatment to Prevent or Heal Pressure Ulcers	2					
F 689	Free of Accident Hazards, Supervision, Devices	10			7		
F 692	Nutrition and Hydration Status	1					
F 698	Dialysis				1		
F 773	Laboratory Services – Physician Order	1					
F 880	Infection Prevention Control				2	5	3
F 812	Food Procurement, Store, Prepare, Serve Sanitary						1
F 835	Administration						1
F 908	Essential Equipment - Safe Operating Condition						1
<b>Tags at G or above – 50</b>		<b>24</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>5</b>	<b>6</b>

# State and Federal Sanctions Imposed on Nursing Homes

Type of Sanction	FY18	FY19	FY20	FY21	FY22 First Quarter
Civil money penalties levied, State	0	0	49	86	108
Directed plans of correction, State	0	0	0	0	103
Civil money penalties levied, federal	36	23	76	70	15
Directed plans of correction, federal	0	0	0	43	18
Denial of payment for new admissions	1	4	2	14	4
<b>Total Number of State and Federal Sanctions</b>	<b>37</b>	<b>27</b>	<b>127</b>	<b>213</b>	<b>248*</b>

\* 83% (206 of 248) are related to non-compliance with requirements for CRISP reporting or testing

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# GNA Abuse and Maryland Nurse Aide Registry

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- When OHCQ substantiates that a GNA has abused a nursing home resident, the case is reviewed by OHCQ's LTC Abuse Unit
  - May be referred to the Office of the Attorney General's Health Occupations Prosecution and Litigation
  - GNA may be placed on the Maryland Nurse Assistant Registry
  - Administrative appeal process: If a ruling is in the favor of OHCQ, the Maryland Board of Nursing places the GNA on the registry
  - Registry is permanent for abuse, but in neglect cases, the GNA may petition OHCQ after a year to be removed
  - Since October 2013, 7 GNAs have been added to the nurse registry

# Audits of Resident Fund Accounts

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- Unannounced audit with the nursing home's business office staff:
  - Bank records, statements, and reconciliations for at least 12 months
  - Closed accounts since the previous audit
  - Disposition of expired residents' personal funds
  - Unclaimed property reports
  - Withdrawals for all residents for at least 12 months, including transaction receipts and supporting documentation
  - Quarterly statements for 4 consecutive quarters
  - Surety bond
  - Admissions contracts

# Assisted Living Unit

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Office of Health Care Quality

# Assisted Living Unit

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- Oversees all assisted living programs, including those that participate in the Medicaid waiver program
- Completes surveys for prelicensure, licensure, inspection of care, change of ownership, change of the level of care, and follow-up
- Investigates complaints and facility-reported incidents and allegations of unlicensed assisted living programs

# Assisted Living Programs Statistics

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Units of Measurement	FY19	FY20	FY21
Number of licensed assisted living programs	1,563	1,650	1,672
Initial surveys	114	153	164
Renewal surveys	994	626	817
Other surveys	71	85	100
Complaints and facility self-reported incidents	1,152	1,120	1,079
Complaints investigated	1,092	1,194	1,192

## Most Frequently Cited AL Deficiencies in FY 21

State Tag	Description of Tag	Number of Citations
2600	Other Staff Qualifications	170
2550	Other Staff Qualifications	147
2780	Delegating Nurse	146
4910	Emergency Preparedness	145
4900	Emergency Preparedness	142
3330	Service Plan	141
4630	General Physical Plant Requirements	138
3680	Medication Management and Administration	135
2000	Administration	102
2220	Assisted Living Manager	99
1440	Licensing Procedure	97
3960	Resident's Rights	96
3380	Service Plan	89
3420	Resident Record or Log	85
2560	Other Staff Qualifications	79
2730	Other Staff Qualifications	76
2530	Alternate Assisted Living Manager	75
2280	Assisted Living Manager	74
3790	Incident Reports	74
4750	Emergency Preparedness	73

# Unlicensed Assisted Living Programs

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- An unlicensed assisted living program is a facility that is not licensed, but provides housing and supportive services, supervision, personalized assistance, and/or health-related services to meet the needs of residents who are unable to perform or need assistance in performing activities of daily living
- Anyone can file a complaint, including residents, family, employees, neighbors, EMS, police, or others

# Investigation and Substantiation

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- Investigation: Surveyor uses observation, interviews, and review of available documents; may monitor the site at various hours and days; and may review AMDC records and interview AMDC staff
- If substantiated, OHCQ issues a violation notice
- The law allows the owner 30 days to come into compliance by submitting an application or by moving all residents out of the unlicensed program and cease operation

# Residents of the Unlicensed Assisted Living

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- If OHCQ receives an application, the owner is cooperating and there is no immediate threat to the health and safety of residents, then the residents may remain at the program throughout the licensure process
- If OHCQ has not received an application, OHCQ does a repeat visit after the 30<sup>th</sup> day to determine if residents have been re-located
- If no application was submitted and residents remain on the repeat visit, then a felony violation notice and a civil money penalty of \$10,000 is imposed on the owner

## **Assisted Living Referrers**

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- Senate Bill 966 in 2021 required all referrers to assisted living programs to register with OHCQ by October 1, 2020.
- A referrer is an individual or agency that
  - 1) makes referrals to assisted living programs without cost to the person receiving the referral and
  - 2) is compensated by an assisted living program or other third party for referring individuals to a licensed assisted living program.
- 55 assisted living referrers have registered with OHCQ.
- To date, OHCQ has not received any complaints related to AL referrers.

# Staffing Analysis

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Office of Health Care Quality

# OHCQ Staffing Plan FY 18 - FY 24

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- Allows for controlled growth and for flexibility to adapt to changing needs
- Considers historical data as well as anticipates changes in federal and State oversight and industry trends
- A controlled growth of 5 to 6 percent increase in workforce annually can be accommodated and is progressively improving compliance with mandates

## OHCQ Staffing Requirements, FY 18 - FY 24

OHCQ Unit	Position	FY18	FY19	FY20	FY21	FY22	FY23	FY24	Total
Long term care	Coordinator	2	1	1	0	0	1	0	5
Long term care	Nurse surveyor	1	4	3	5	1	3	4	21
Long term care	Physician surveyor	0	1	0	0	0	0	0	1
Long term care	Nurse trainer surveyor	1	0	0	0	0	0	0	1
Assisted living	Coordinator	1	0	0	1	0	0	0	2
Assisted living	Nurse surveyor	0	2	1	0	2	2	2	9
DD	Coordinator	1	1	1	0	1	0	1	5
DD	Nurse surveyor	1	2	2	2	0	1	2	10
DD	Coordinator special program surveyor	0	1	1	1	0	0	0	3
DD	Administrative officer III	0	0	0	0	4	2	1	7
DD	Office secretary II	1	0	0	0	0	0	0	1
Federal	Coordinator	1	0	1	0	0	0	0	2
Federal	Nurse surveyor	0	0	0	1	1	1	0	3
Federal	Triage specialist	0	0	0	0	1	0	0	1
Federal	Assistant deputy director	1	0	0	0	0	0	0	1
Federal	Health policy analyst	1	0	0	0	0	0	0	1
State	Health policy analyst	1	0	0	0	0	0	0	1
<b>Positions per fiscal year</b>		<b>12</b>	<b>12</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>74</b>

# Surveyor Staffing Deficit Projected for FY 22

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- OHCQ continually works to decrease unnecessary administrative burden for the agency and providers
- Where possible, vacant administrative positions are reclassified to conduct survey, certification, and licensure activities

# Surveyor Staffing Deficit Projected for FY 22

Unit	Current # of Surveyors	Needed # of Surveyors	Surveyor Deficit
Long Term Care	54.5	79.55	25.05
Federal	22	22.99	0.99
Assisted Living	33	36.99	3.99
Developmental Disabilities	46	52.75	6.75
Laboratories	6	7.97	1.97
<b>Totals</b>	<b>161.5</b>	<b>200.24</b>	<b>38.74</b>

*How does training a new surveyor impact the completion of mandates?*

## Long Term Care Unit

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- Long term care surveyor: 11.5 months of training and must pass a national exam
- Consider this example of a hypothetical survey activity:
  - Each certified surveyor completes an average of 12 activities a year
  - Year 1: 10 certified surveyors complete 120 activities
  - Year 2: 10 certified and 2 new surveyors complete 108 activities
    - A new surveyor decreases the productivity of a certified surveyor by 50% for a year
  - Year 3: 12 certified surveyors complete 144 activities

# Health Care Quality Account Grant Program

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Office of Health Care Quality

# Health Care Quality Account Grant Program

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- Funds collected from civil money penalties imposed by CMS or OHCQ to nursing homes and by OHCQ to assisted living programs
- Support activities that improve the quality of life of individuals who reside in nursing homes and assisted living programs
- Three non-lapsing special funds:
  - Federal nursing home account
  - State nursing home account
  - State assisted living account

# Grant Applications

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- Applications are accepted throughout the year
- Grants are awarded on a rolling basis, contingent on funding
- Committee reviews the applications:
  - OIG, OAG, and OHCQ (Fiscal Officer, Deputy Director of Federal Programs, Deputy Director of Long Term Care, Deputy Director of State Programs, and Chief Nurse)
- CMS determines the use of federal funds

# Available Balances in Funds

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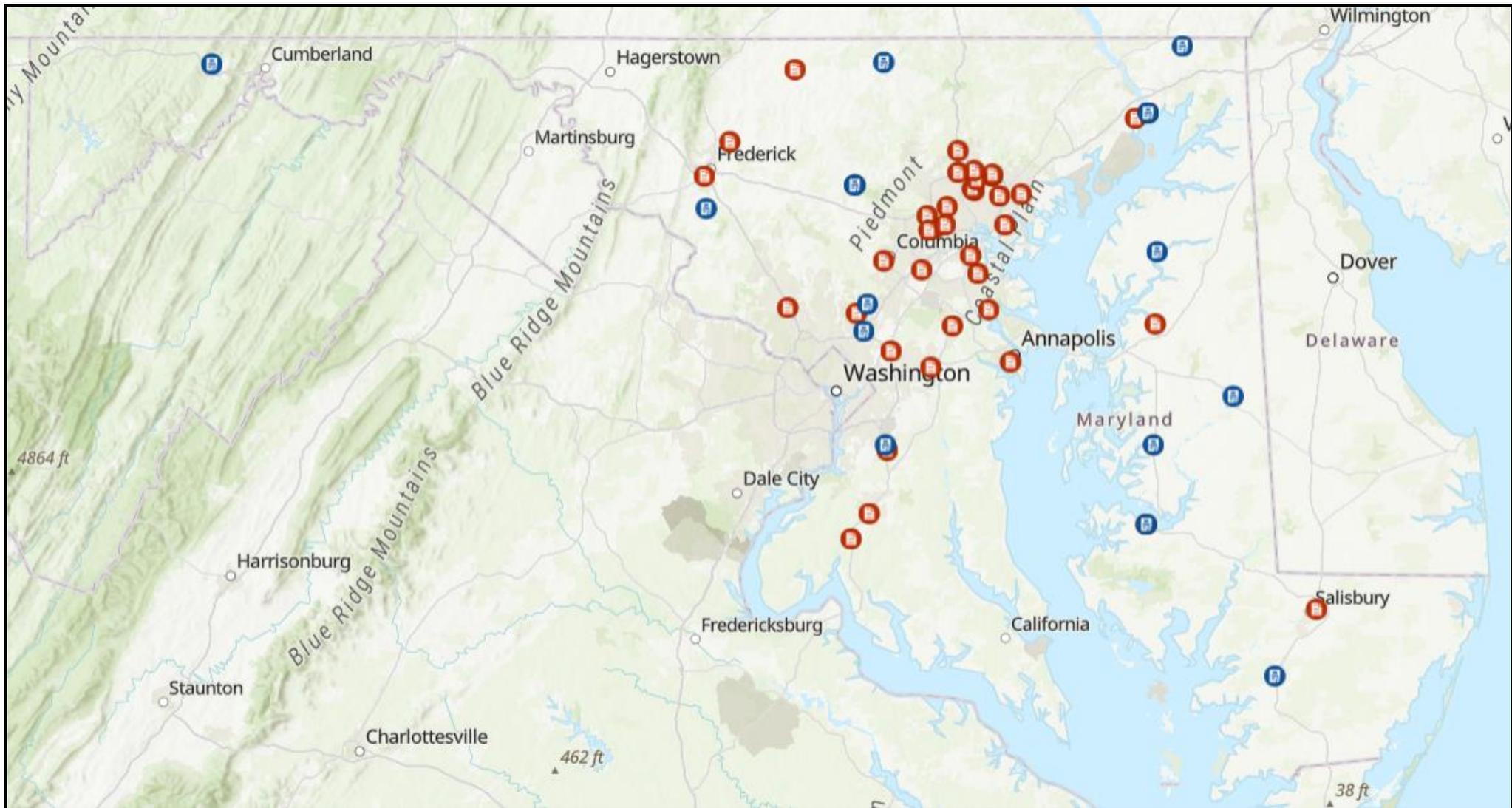
- As of June 30, 2021, the current assets balance available was:
  - \$11,398,462 - Nursing Home Federal CMP Account
  - \$1,564,344 - Nursing Home State CMP Account
  - \$53,288 - Assisted Living State CMP Account
- As of June 30, 2021, the reserve funds are:
  - \$1,500,000 - NH Federal CMP Account
  - \$100,000 - NH State CMP Account
  - \$50,000 - AL State CMP Account

# HCQA Grants

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- The Beacon Institute: Nursing Home Behavioral Health Certification Program, \$23,797 federal NH funds
- Mental Health Association of Maryland: Engage with Other Adults Behavioral Health Skills Training for LTCF Direct Care Workers, \$67,892 federal NH funds
- CMP Maryland State Plan: \$81,455 federal NH funds for OHCQ HCQA grant administration
- Communicative Technology Grants
- Visitation Aid Grants

# FY21 HCQA Grants



# OHCQ Priorities for FY 22

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- Adapting to new federal and State licensure, certification, and survey procedures
- Implementing technological solutions to enhance efficiency and maintain effectiveness of OHCQ's activities
- Continued investment in our staff, our most valuable resource
- Continue protecting the health and safety of Marylanders across the health care continuum

# Contact Information

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