

**Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities Maryland**  
**Department of Aging**  
**November 5, 2020 (Virtual Meeting)**  
**1:00 pm – 3:00 pm**  
**Draft Minutes**

**Members Present**

Rona Kramer, Secretary of the Maryland Department of Aging (MDoA), Chair  
Claudia Balog, 1199 SEIU, United Health Workers East  
Honorable Pamela Beidle, Member of the Finance Committee  
Eric Colchamiro, Representing Alzheimer’s Association, Greater MD Chapter  
Virginia Crespo, United Seniors of Maryland  
Stevanne Ellis, State Long-Term Care Ombudsman  
Senator Addie Eckardt  
Kathy Graning, Mid-Atlantic Lifespan  
Catherine Hamel, Maryland Hospital Association  
Delegate Ken Kerr, House Health and Government Operations Committee  
Phyllis Meyerson, Maryland Chapter, AARP  
Hope Morris, Health Facilities Association of Maryland (HFAM)  
Dr. Tricia Nay, Office of Health Care Quality (OHCQ), Maryland Department of Health (MDH)  
Kirsten Robb-McGrath, Director of Health and Behavioral Policy, Maryland Department of Disabilities  
Joanne L. Smikle, Consumer Representative  
Karen Sylvester, Area Agency on Aging (AAA)  
Lorrie Van Akkeren, Voice for Quality Care  
Heather Zeiss, Assisted Living Facility

**Members Absent**

Afshin Abedi, Maryland Association of Adult Day Services  
Tyler Babich, Department of Legislative Services  
Delegate Lisa Belcastro, House Health and Government Operations Committee  
Steven Bloyd, Assisted Living Facility  
Odile Brunetto, Area Agency on Aging (AAA)  
David Cherry, Deputy Director, Long Term Care Unit, OHCQ, MDH  
Lee Greenbeck, Maryland Hospital Association  
Beverly Mlynar, Consumer Representative  
Stefani O’Dea, Behavioral Health Administration

**Staff Present**

Carol Fenderson, Deputy Director, State Programs, OHCQ  
Lisa O’Connor, Maryland Department of Aging

**Greetings and Approval of Minutes**

Secretary Kramer introduced Lisa O’Connor, staff person from the Maryland Department of Aging and welcomed members to the meeting. Roll call was taken and there were 18 members present. Lisa O’Connor gave details on the amendments of the minutes from the September 17, 2020 meeting. The minutes of the September 17, 202 meeting were approved, as amended.

Page one: **Correction of Senator Addie Eckardt last name.**

Page one: Under Greetings and MDoA Updates: Remove: "Home delivered meals have decreased, suggesting older adults are getting out more and providing for themselves."

Replace with: **"The number of home delivered meals provided by the State Area Agencies on Aging have decreased. Possibly suggesting older adults are getting out more and providing for themselves."**

Page two: Under Subcommittee Reports second paragraph: Remove "The document reflects a wide range of opinions." Replace with: **"A proposed Committee report was presented to the Full Committee."**

Page two: **Correction of Senator Addie Eckardt last name.** Remove: "Heather Zeiss stated that she has time to participate in the Subcommittee, and that the letter should be revisited from the start, now that providers can be involved, and prepare the Subcommittee with facts, rather than assumptions."

Replace with: **"As members of the industry in which workload has increased due to the pandemic, they were not available for the Subcommittees added meetings."**

Remove: "Kathy Graning was in favor of revisiting the letter but would rather not have the number of people involved in the Subcommittee meetings so many that it then falls under open meetings act."

Replace with: **"Kathy Graning was in favor of adding additional members and would like a clarification of what it would mean if we went into an open meeting."**

Page three: Remove "Secretary Kramer stated that the Motion amended remain on the table, and there needs to be a vote of 16 Committee members. The Motion was seconded and amended to have the Subcommittee readdress the letter as written and come back to the Committee with revisions.

Eric Colchamiro thanked Secretary Kramer for clarifying the Motion.

Stevanne Ellis encouraged advocates to participate in the Subcommittee.

Secretary Kramer mentioned that anyone on the Committee can participate on the Subcommittee. Kathy Graning motioned to take the letter back to the Subcommittee to review in light of feedback for resubmission with industry leaders to possibly attend and provide input.

The Amended Motion was accepted." Replace with: **"A motion to provide the full committee with the subcommittees recommendation and forward the report as drafted to the legislature."**

Remove: "Secretary Kramer agreed to the request. She then asked if anyone from the Community had any comments." Replace with: **"Secretary Kramer concurred. Secretary Kramer asked if anyone from the Community had any comments."**

Minutes were approved as amended.

### **MDoA Updates**

Secretary Kramer provided MDoA updates concerning Nutrition Programs, the Caregiver Service Corps and Senior Call Check in relationship to the COVID 19 pandemic.

### **Presentation - Dr. Patricia Nay, Executive Director, OHCQ. Report to the Oversight Committee, State Fiscal Year 2020**

Dr. Nay addressed the Strategic Planning Process, Agile Technology Modernization, Oversight Activities in FY20, Long Term Care Units, Categorization of Nursing Home Deficiencies, GNA Abuse and Maryland Nurse Aide Registry, Audits of Resident Fund Accounts, Assisted Living Units, Unlicensed Programs, Staffing Analysis and the OHCQ Account Grant Program.

In addition, Dr. Nay outlined OHCQ priorities for FY2021. OHCQ is adapting to new Federal and State licensure, certification, and survey procedures and utilizing technology to enhance its efficiency and effectiveness. OHCQ's primary focus will be investment in our staff and administrative activities.

**Presentation - Marlana Hutchinson, Director, Office of Long-Term Care Services and Support, MDH and Jane Sacco, Program Manager, Division of Long-Term Care Services. Medicaid Nursing Facility Reimbursement**

Ms. Hutchinson and Ms. Sacco addressed the Nursing Facility Reimbursement FY2021 Summary and Regional Realignment, MDS Validation Implementation, Nursing Facility Hours per Resident, Nursing Facility Quality Assessment, Nursing Facility Pay-for-Performance and COVID-19. They stated that the goals of the department are to continue a global approach that focuses on quality of care, support and guidance to providers, residents, and families in navigating the challenges of the pandemic.

**Discussion**

Senator Beidle asked Dr. Nay if there was there is a grant to look at the GNA and CNA shortages in nursing homes. Dr. Nay stated that no grant was awarded on this subject in the past fiscal calendar year. Senator Beidle requested documentation on this issue. Dr. Nay stated that as a regulator she would not have such documentation. Dr. Nay would query MHCC and investigate what other State agencies and the industry for an analysis to look at all those factors.

Senator Eckardt suggested that questions be submitted in writing. She stated that she had many questions regarding finances and due to the meeting time constraints, would like to have questions submitted in writing, obtain responses and discuss at a later date. She said that this would assist in understanding the complexity of the industry. Dr. Hutchinson and Dr. Nay said they would be willing take written questions and discuss at a later date.

Eric Colchamiro would like to ask a few questions. He stated: Since it is within the fiscal year covered, specifically about your operations amidst the COVID 19 pandemic and focus it on the staffing deficit you noted, in your last annual report you noted a deficit in your unit of 36 staffers, 18 of those were tied to either LTC or AL facilities, I think you projected for the coming year it will be 3 fewer staff deficit.

1. How did that deficit affect your inspections or operations during COVID 19?
2. At what stage of your 7-year staffing plan do you expect to be able to inspect all ALF annually?

Dr. Nay answered as far as our staffing plan for any unit until we have one year after the last person is hired, it takes up to a year to train an employee, to have them independently, so 2025 if we have all these people we hired in 2024, I can meet mandates across the unit. You can see on the slide that talks about by year how many people we are getting in AL up to 2024 so the answer is we will meet our mandates in 2025 after we get to hire all these people.

As far as how COVID effected OHCC, because of their changing mandates from the Federal side and different kind of activities on the State, there are too many variables for me to tell you how that is going to affect future projections on what my staffing needs are. It may end up exactly the same point, it depends if their new mandates given to me aren't replacing on top of other mandates. I would be happy to discuss more at a later date.

**Subcommittee Report**

Eric Colchamiro reported that the Subcommittee has been meeting regularly to complete the mandated annual report to the Governor. It represents a multi stakeholder perspective that does not reflect the input of any single stakeholder, rather it reflects the input of a broader group of participants. Eric Colchamiro requested comments from attendees.

Secretary Kramer asked if Mr. Colchamiro would like to make a motion to place the report to the Governor and legislative leaders—which all Oversight Committee members had received in November 2020 for review via email prior to the meeting—up for discussion. Mr. Colchamiro made a motion that this draft report be considered as the committee’s mandated annual report evaluating the progress of improving quality in nursing homes and assisted living facilities. Secretary Kramer clarified that by “this report,” Mr. Colchamiro referred to that which members received via email November 2020. The report is to be sent to the Governor, President of the State Senate and Speaker of the House of Delegates, as well as those cc’d on the memo. Claudia Balog seconded Mr. Colchamiro’s motion.

Secretary Kramer thanked the Subcommittee for their work and suggested the following edits: . Third paragraph on page 1, begins with “This multi stakeholder committee” in line 2, it reads “and state officials to hear from residents” the “to” should be deleted; it is signed “Members of” and should be “The Oversight Committee”; on page 3 under “Area of Concern” first line, delete “[including the state’s network of long-term care ombudsman]”. This is funded under MDoA. In line 92 begins “As such, in our state with nearly 22,000”, add “nursing home” after that number. A citation to better define these data, will be added. Secretary Kramer asked Mr. Colchamiro if the Cares Act funding was taken into consideration in this report. Mr. Colchamiro stated it was.

Secretary Kramer asked that the report be amended as noted. Mr. Colchamiro agreed to these amendments and said that he had received some edits from the Oversight Committee members. Other than clerical changes, the only change noted would be on line 128, to replace “group home providers” with “assisted living providers”. This amendment was accepted. Stevanne Ellis had the following edit. On page 4, in last line “Area of Concern” box, add “in COMAR” after “residents rights.”. This amendment was accepted.

A motion to submit the report, as amended, passed unanimously

### **Adjournment**

Meeting adjourned at 3:02 p.m.