

Annual report of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities

Health General Article, Section 19-1409(j)

Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities
Maryland Department of Aging

December 3, 2024



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

December 1, 2024

The Honorable Wes Moore

100 State Circle
Annapolis, MD 21401

The Honorable Bill Ferguson

President
Senate of Maryland
State House, H-107
Annapolis, MD 21401

The Honorable Adrienne A. Jones

Speaker
Maryland House of Delegates
State House, H-101
Annapolis, MD 21401

RE: Report required by HG §19-1409), S84/Ch. 473, 2018 (MSAR #11716) Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities

Dear Governor Moore, Senate President Ferguson and Speaker Jones:

In compliance with Health General Article §19-1409(j), MSAR #11716, the following is the required annual report of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities for activity from January to December 2024. The committee met five times during this period. Subject to §2-1246 of the State Government Article and to comply with Health General Article §191409(j) (Chapter 473 of the Laws of Maryland 2018), this is the required annual report of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities, which evaluates the progress in improving nursing home care quality and assisted living facility quality.

The Committee has identified key areas of concern including quality of care standards for nursing homes and assisted living facilities, and staffing patterns and standards and the impact on health care quality. The Committee notes that it successfully received its legislatively mandated annual presentation from the Maryland Department of Health Office of Healthcare Quality.

This multi-stakeholder committee welcomes the opportunity to provide this information. It is also important that our elected representatives and state officials hear from residents, families, providers, advocates, caregivers, and others involved with these facilities. Policymakers must continue to fully engage the public, to help determine the needs and rights of residents in nursing home and assisted living residents, during and after the current public health emergency.

We welcome the opportunity to further discuss these areas with you. If you have any questions, please contact Lisa O'Connor, staff for the Oversight Committee, at lisa.oconnor@maryland.gov.

Sincerely,
The Oversight Committee on the Quality of Care in Nursing Homes and Assisted Living Facilities

CC: Sarah Albert, Department of Legislative Services

In 2024, the Oversight Committee heard from presenters including: Susan Ryan, Center for Innovation, regarding the Green House model in our April and July meetings; and Jarod Terry, Maryland Department of Health, regarding nursing facility reimbursement in our October meeting. The Office of Health Care Quality (OHCQ), Maryland Department of Health annual report on the status of quality of care in nursing homes and assisted living facilities will be given at our December 4, 2024 meeting.

The Committee spent significant time particularly learning from the Center for Innovation about the Green House model, and reviewing and exploring recommendations from the national Moving Forward Coalition. Both of these organizations provide best practices and opportunities for states to take action to improve nursing home and assisted living facility quality.

Guidance from both Green House and Moving Forward were discussed at several Committee meetings. The following findings and recommendations were elevated by Committee members to be considered in Maryland.

Area of Recommendation: Pursuing Opportunities to Advance the Green House Model

OPPORTUNITY: Maryland spends more than \$1 billion/year on the current nursing home system. There is a concentration of multi-bed wards in Baltimore City, Baltimore County and Prince George’s County. There is also an extensive waiting list for the Community Options Waiver, which is impacted by this issue. There is opportunity to incentivize a new and sustainable model that better exemplifies patient-centered care.

FINDING: We encourage the state to consider legislative or regulatory changes that would enable facilities to implement elements of the Green House model. However, there should first be investigation into - and consideration of - the previous Green House model tried in the State, and the reasons it did not succeed.

Medicaid rate add ons

- Small, targeted rate increases could support implementation of the Green House model. This wouldn’t necessarily require a blanket rate increase, but would instead incentivize providers who want to try a new model.
- Increases could be paired with bed de-licensing to right-size nursing home capacity. There is also opportunity to learn from others (Arkansas, Ohio).
- Medicaid rate add ons may also be considered for higher staffing levels, as being done in Illinois and Massachusetts¹ - these opportunities are further explored below.

¹ <https://www.mass.gov/lists/direct-care-cost-quotient-dcc-q-reports>
<https://www.mass.gov/doc/dcc-q-report-july-1-2023-june-30-2024-0/download>
https://www.nber.org/system/files/working_papers/w32412/w32412.pdf

Align regulations with outcomes that matter to elders, families and caregivers

- There is opportunity to realign regulations to better reflect outcomes that matter to residents. Possibilities include creating an interdepartmental process to quickly resolve gaps between the letter and the spirit of regulations.
- There may also be opportunity to align with Longevity Ready Maryland by:
 - Creating supportive communities
 - Building a full, interconnected aging ecosystem
 - Enabling greater collaboration among various agencies that oversee aging issues
- Regulations related to staffing are also an example of aligning regulations with outcomes that matter to elders, families and caregivers (see CMS's Minimum Staffing Standards for LTC Facilities and Medicaid Institutional Payment Transparency Reporting final rule issued in April 2024)².

Area of Recommendation: Implementing the Moving Forward Coalition's Action Items

OPPORTUNITY: The Moving Forward Coalition launched in 2022 as a diverse stakeholder group dedicated to generating solutions to long-standing nursing home quality issues. The coalition has developed policy recommendations and actionable steps for states to consider.

FINDING: We encourage Maryland to consider small groups or state-level coalitions that can explore implementing the action items recommended by the Moving Forward coalition – specifically around workforce, transparency and quality assurance.

[Full list of Moving Forward Action plans](#)

Ensure well-prepared, empowered and appropriately compensated workforce

- The Moving Forward Coalition's recommendations focus on expanding CNA career pathways and improving CNA wages and support through Medicaid incentive payment programs.
- Legislators may consider a bill similar to Maryland HB462 (Funding for Wages & Benefits for Nursing Home Workers; Nursing Home Crisis Funding Act of 2024, introduced 1/22/24).
- As noted above, there is also opportunity to leverage Medicaid rate add ons for higher staffing levels, as being done in Illinois and Massachusetts.

² <https://www.cms.gov/newsroom/fact-sheets/medicare-and-medicaid-programs-minimum-staffing-standards-long-term-care-facilities-and-medicaid-0>

Increase transparency and accountability of ownership data

- The Moving Forward Coalition’s recommendations focus on regulatory scans of existing ownership oversight roles and bodies responsible for data transparency and accountability.
- On 11/15/23, the Federal Register posted CMS’s final rule to implement portions of section 6010 of the Affordable Care Act, requiring the disclosure of certain nursing home ownership information³. It will also create a database of nursing home owners and operators that would highlight issues related to resident health and safety. The State should lean into opportunities to capture and utilize this required data.
- Pursue transparency of ownership and finances connected to wages. If mandating that all skilled nursing facilities demonstrate they are paying 75% of revenues toward staffing, we must ensure transparency and accountability about where funds are being spent.

Design a more effective & responsive system of quality assurance

- The Moving Forward Coalition’s recommendations focus on enhancing surveyor training on person-centered care, and designing a targeted nursing home recertification survey.
- Section 6010 of the Affordable Care Act (noted above) also addresses quality issues. The State should leverage opportunities to capture and utilize required quality data⁴.
- The Committee recognizes that MDH and the sector are working hard to ensure Marylander’s have quality care in nursing homes. Supporting OHCQ staffing to increase surveyor consistency would be helpful.

Areas For Discussion and Further Exploration

- Placement continues to be an issue with payer authorizations, especially on weekends. Delays are lasting upwards of six to seven days. We would suggest further dialogue on administrative delays and ways to make those placements administratively easier.
- We would suggest that part of the discussion on nursing home reform include ideas on how to increase the supply of alternative options for nursing home residents, such as assisted living facilities participating in the Medicaid waiver, and accessible/affordable housing with home and community-based services and supports.

³ <https://www.cms.gov/newsroom/fact-sheets/disclosures-ownership-and-additional-disclosable-parties-information-skilled-nursing-facilities-and-0>

⁴ <https://www.cms.gov/newsroom/fact-sheets/disclosures-ownership-and-additional-disclosable-parties-information-skilled-nursing-facilities-and-0>