



TESTIMONY BEFORE THE HEALTH, EDUCATION AND HUMAN
RESOURCES SUBCOMMITTEE OF THE SENATE BUDGET AND
TAXATION COMMITTEE

Budget Hearing: Office of Health Care Quality

LifeSpan Network appreciates the opportunity to testify on the budget for the Office of Health Care Quality. As the licensing authority for senior care providers, it is essential that the Office of Health Care Quality be sufficiently staffed to meet its' requirements under the law, i.e., annual compliance surveys and related licensure issues. Sufficient staff pertains not only to surveyors but to vital support staff, an area where OHCQ remains significantly underfunded. While OHCQ has done its best to compensate for lack of staff, the lack of staff can and has had serious consequences for providers.

- Example One: due to staff shortages, many providers operate with an outdated license, which can affect the provider's ability to have their liability insurance renewed.
- Example Two: In order to comply with both State and federal regulations concerning deficiencies, a provider must submit a Plan of Correction (POC) to the OHCQ and be in full compliance within 90 days of its actual survey. Currently, due to the lack of available support staff, deficiency reports to skilled nursing facilities are often delayed, to the point that facilities face extremely limited time in submitting POCs to the State and achieving full compliance. Consequently, nursing facilities are placed in jeopardy of further penalties mandated by federal regulation, such as being denied Medicare and Medicaid payment or being banned from accepting new admissions, both which can have serious financial consequences to a provider to no fault of their own. In worst case scenarios, deficiency reports are received by facilities with only days before the 90 day deadline.

LifeSpan certainly recognizes the fiscal constraints confronting the State. However, given the precarious situation that non-compliance presents to skilled nursing facilities, including civil money penalties and a ban on new admissions, we believe that the lack of staffing at OHCQ must be rectified immediately. Rapidly correcting deficiencies uncovered through the survey process is not only a compliance issue for our providers, it is also a quality assurance measure designed to ensure that seniors residing in a facility are cared for with the utmost attention to safety and quality standards. In addition, from a compliance standpoint, many providers believe the standard is unfair to be penalized for non-compliance when not given adequate time to fully investigate deficiencies and thoughtfully address findings for the long-term benefit of residents.

LifeSpan respectfully requests your attention to this matter and recommends that the language put forth by the Department of Legislative Services be amended to include "surveyors . . . AND OTHER SUPPORT STAFF." Thank you.

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LifeSpan Network is a senior care provider association representing approximately 300 providers, including nursing homes, assisted living facilities, medical adult day care providers, continuing care retirement communities and senior housing communities. Our members provide care to approximately 45,000 seniors.

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