

Association to urge the U.S. Department of Health and Human Services to revise its long-term care survey process, and to allow states more flexibility in implementing and enforcing nursing home regulations.

WHEREAS, The Department of Health and Mental Hygiene currently possesses sufficient tools and flexibility to enforce federal certification and licensing regulations applicable to nursing homes in Maryland; and

WHEREAS, The community of nursing home providers supports the Department's efforts in the flexible enforcement of federal certification and licensing regulations, and continues to offer assistance to the Department in improving the quality of care afforded to residents of health related institutions; and

WHEREAS, The U.S. Department of Health and Human Services has mandated that effective April 1, 1986, all Maryland health related institutions be inspected under a new patient oriented survey process known as "Long-Term Care Surveys"; and

WHEREAS, The U.S. Department of Health and Human Services has also mandated new federal certification and termination procedures affecting all Maryland health related institutions which could result in immediate termination of federal Medicaid and Medicare funds for nursing homes without prior right of appeal; and

WHEREAS, The Secretary of Health and Mental Hygiene has determined that the ability of the Office of Licensing and Certification to utilize the enforcement tools provided by the General Assembly will be greatly restricted under the federally mandated procedures; and

WHEREAS, The Secretary of Health and Mental Hygiene has determined that the implementation dates for the new survey process and the new decertification procedures make it virtually impossible to train survey personnel and implement the new procedures in a timely manner which could result in the loss of federal Medicaid and Medicare funds; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That this body requests the President of the United States, the Congress of the United States, the Governor, and the National Governor's Association to urge the U.S. Department of Health and Human Services to adopt a system for revising the long-term care survey process based on experience with the system, and to authorize states that currently have survey programs comparable to the federally mandated program to continue their programs, and finally, to allow each state the flexibility needed to implement and enforce appropriate regulations with innovative procedures; and be it further

RESOLVED, That copies of this Resolution be forwarded by the Department of Legislative Reference to the Honorable Ronald