



STATE OF MARYLAND

**DHMH**

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Maryland Department of Health and Mental Hygiene  
201 W. Preston Street • Baltimore, Maryland 21201

Robert L. Ehrlich, Jr., Governor - Michael S. Steele, Lt. Governor - Nelson J. Sabatini, Secretary

## **Statement of Carol Benner**

**July 7, 2004**

Good afternoon, Mr. Chairman and members of the Committee. My name is Carol Benner; I am Director of the Office of Health Care Quality at the Maryland State Health Department. I work for the Secretary of Health, Nelson Sabatini, who was here on May 18.

Secretary Sabatini sends his regrets that he could not be here today. He asked me to speak on his behalf and to carry his message to you.

In his May 18<sup>th</sup> testimony, Secretary Sabatini was emphatic that the problem is not Maryland General Hospital; the issue that we need to focus on is the failure of the regulatory and oversight systems to identify the problems and to get the problems fixed.

Under Federal and State laws, we – both State and Federal governments - - have turned our regulatory responsibilities over to private accreditation organizations, and we have done so with little or no provision for communication, coordination or oversight.

In the Maryland General example, there were four different organizations surveying the laboratory and the hospital. Problems were identified and documented, but survey results were not shared. Consumers sent complaints, but these were not shared either. What resulted was essentially an absence of

regulation, a situation that could have had serious consequences. Secretary Sabatini believes – and I share his position – that we were fortunate this time; the outcome could have been much worse. It is our responsibility to make sure a Maryland General situation does not happen again.

Regarding Maryland General, I would like to briefly bring you up to date on our progress since May 18<sup>th</sup> 2004. We have visited the hospital on several occasions, and we can say with certainty that the hospital laboratory has undertaken and continues to implement corrective action. We will conduct a full survey of the hospital laboratory within the next 60 days to determine overall compliance with all State and Federal regulations.

The Secretary has met with representatives of the College of American Pathologists (CAP) and we are working together to devise a joint program – one with integrity and reliability -- that will be effective and will guarantee proper oversight of laboratories in Maryland.

We intend to expand this effort to include all healthcare providers that are presently deemed to meet State licensure programs based on third-party accreditation decisions.

The Secretary has also met with legislative leaders in Maryland who have expressed interest in changing State law, so that the State will not be required by law to accept accreditation reports as evidence of meeting licensure standards. Mr. Sabatini has also met with Congressman Stark, who shares his concerns. We are hopeful that there will be some movement in this direction on the Federal level.

I understand that time is short so I will stop here. I assume that you all have copies of Secretary Sabatini's May 18<sup>th</sup> Testimony. I would be happy to answer any questions you have.

Thank you.