

---

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION  
Legislative Hall  
150 Martin Luther King Jr Blvd  
Tatnall Bldg – Room 112  
Dover, DE 19901

FINAL

Meeting January 8, 2019  
Minutes

Commission Member(s) Present: Lisa Furber, DNHRQAC Chair; Lt Governor Bethany Hall-Long, Representative Kim Williams, Amy Milligan, Yrene Waldron. Karen Gallagher, and Dr. Michela Coffaro, Psy D.

Others Present: Margaret Bailey, Mary Peterson, Division of Health Care Quality; Karen Crowley, Division of Health Care Quality; Melissa Smith, DSAAPD; Donald Bluestein, Division of Health Care Quality; Erlease Freeman, Division of Health Care Quality; Staci Marvell, DMMA; Hooshang Shanehsaz, Public Health; Dr. Melissa Winters, DSAAPD; Sheila Grant, AARP of Delaware; Sean Mace, Center at Eden Hill; Adrienne Indellini, Center at Eden Hill; Janie Ferrari, Center at Eden Hill; Zita Dresner, Community Legal Aid Society Inc; Antonette Johnson, Community Legal Aid Society Inc; Debbie Gottschalk, Division of Research; Kate Keller, Medicaid Fraud Control Unit; Chad Golden, Brandywine Nursing and Rehab; Lexie McFassel, Public Guardian; Cheryl Heiks, Webster Consulting; Frank Marchese, Nationwide Healthcare; Rob Smith, Division of Health Care Quality; Dr. Lorraine Phillips, UD; Maria Miller, St Francis Life Center and Barbara Bass, Aide to Karen Gallagher.

1. Call to order

The meeting was called to order at 9:32 AM by Lisa Furber.

2. Approval of the Minutes for the meeting of:

The meeting minutes draft of July 11, 2017, September 12, 2017, November 14, 2017, January 9, 2018, March 13, 2018, May 8, 2018, July 10, 2018, September 25, 2018 and November 13, 2018 were approved as written.

3. Discussion of:

Resident and Satisfaction Survey

Adrienne Indellini, Nursing Home Administrator for Center at Eden Hill provided commission members with information about Delaware's newest skilled facility located in Dover, Delaware. Center at Eden Hill is a privately owned, hotel like facility with private rooms. The management company is called Veritas, located in Colorado Springs, Colorado. Veritas manages 13 facilities within the United States. Center at Eden Hill's current census is 57; licensed to serve 80 residents. The rehab timeline set for residents is 30 days. The hope is to provide the best stay, best outcome, dignity, and respect for residents.

The clinical liaison, Janie Ferrari, receives referrals from various sources and screens to make sure that short stay is appropriate. Should residents need long term care or other services beyond their stay at Eden Hill, the facility partners with other providers to ensure the individual's needs are met. Each resident also has a case manager that follows them throughout their stay at Eden Hill.

Ms. Indellini shared that resident and family satisfaction is very important. During the recruitment process, she looks for compassion and passion in prospective employees at Eden Hill. “Technical skills can be taught, but employees must feel passion and compassion in their heart” said Ms. Indellini. “The expectation is for staff to put themselves in the shoes of the family/resident.”

An official survey is provided to residents at the conclusion of their stay at Eden Hill. The survey goes into more depth: dietary, maintenance, nursing, activities, etc. Results are reviewed by Nursing Home Administrator and also shared with other facilities managed by Veritas.

### AARP of Delaware

Sheila Grant, Associate State Director of Advocacy provided commission members with company updates. There are five staff members that serve AARP of Delaware. Staff lobby on issues that impacts families such as: health care, employment, retirement security, fraud prevention and livable communities. Currently, there are 188k members in Delaware. Some efforts AARP has been working on:

- Advocacy
- Volunteerism opportunities
- Tax Aid Program
- Driver Safety Program
- Caregiving Campaign

FY14, there were 123K caregivers in Delaware. 76% wanted to age at home with services. More than 90% wanted paid help. The number of Delawareans older than 60 is expected to double by the year 2030.

As a result, the Delaware Family Caregiving Task Force was formed with the passage of House Concurrent Resolution 57 during FY 14 legislative session. The charge of the task force was to make findings and recommendations regarding the support needs of family caregivers who assist older people and people with disabilities. Caregiver Support Blueprint Report: [https://s18672.pcdn.co/wp-content/uploads/2015/06/DE-CSBD-Report\\_Final5-26-15.pdf](https://s18672.pcdn.co/wp-content/uploads/2015/06/DE-CSBD-Report_Final5-26-15.pdf).

2016 Care Act was designed to make hospital discharge less stressful by giving patients the opportunity to identify a caregiver; and offering instruction / demonstration of the care needed once their loved one returns home.

2017 Round Table - AARP held a Leadership Roundtable to discuss solutions for family caregivers in Delaware. The event brought policy makers, industry leaders, and community representatives together to discuss strategies for supporting family caregivers in Delaware.

AARP (FY 17) partnered with the YMCA to launch & pilot a neighborhood health program to tackle diabetes and promote better health. The program available at all YMCAs in Delaware to help people diagnosed as pre-diabetic to learn how to change their lifestyle and avoid getting diabetes.

2018 Share the Care Act - This would allow family caregivers to get the help they need as they balance family, work and caregiving. For a variety of reasons (safety & liability concerns), the bill never made it out of committee. AARP is already building another strong grassroots effort for next year to re-introduce this legislation and ensure it passes.

Annual Capitol Caregivers Award - FY 18, several Delaware lawmakers AARP's award: Lt. Gov. Bethany Hall Long, Majority Leader Valerie Longhurst, Sen. John Walsh, and Rep. Paul Baumbach.

Livable Communities - AARP seeks to improve older adults' quality of life by promoting the development of safe, accessible and vibrant environments often called livable communities. Livable communities' policies address issues such as land use, housing, transportation and broadband — all of which facilitate aging in place.

#### 1<sup>st</sup> Qtr 2018 QART Report

Rob Smith, DHCQ Licensing Administrator, presented the 4th Qtr 2018 QART Report. The survey team recommended 15 "G" level deficiency during 4th<sup>t</sup> quarter 2018. The QART Team reviewed the 15 "G" level deficiency and downgraded two citations because the team decided one deficiency was a communication issue that did not cause fall leading to injury and other because risk of harm was not foreseeable/staff followed protocol.

Mr. Smith mentioned that there were changes made in November 2017 regarding guidance and interpretation. New annual inspections focus on more observation, less looking at medical records and more resident centered. The former inspection process focused on nursing assessments.

#### Staffing Report

Rob Smith, Division of Health Quality provided commission members with 4th Quarter 2018 staffing information. The cumulative hours per resident totaled 3.72 hours during this snapshot in time. Per Eagles Law, 3.28 are the minimum number of hours required, however facilities must also staff to meet the needs of the residents, too. In addition, all skilled facilities exceeded nurse to residents and aides to residents per shift during certification review.

#### CY 18 Adult Abuse Registry

Karen Crowley, DHCQ Investigation Unit Chief, provided commission members with CY 2018 Adult Abuse Registry information. Currently, there are 200 individuals on the Adult Abuse Registry due to substantiated (civil) incidents of abuse, neglect, mistreatment or financial exploitation.

Breakdown of individuals added to AAR:

CY 16 – 17

CY 17 – 21

CY 18 - 20

Individuals have 30 days to file an appeal with a fair hearing officer. Currently, there are 12 pending appeals. There is a second level appeal process, too.

#### CY 17 Background Check Center

Don Bluestein, DHCQ Investigative Supervisor, provided members with an update regarding the Background Check Center (BCC).

The Background Check Center was established through legislation passed in April of 2012. As a result, use of the BCC is required of all employers who provide long term care services in licensed facilities and

agencies throughout Delaware. There is \$25 user fee which is used to provide upkeep and system maintenance.

The BCC acts as the hub for nine different data sources of background information. Employers are able to access all of the information from one source, the BCC, which screens applicants for any type of position in the long term care settings. The nine data sources include:

1. Adult Abuse Registry
2. Certified Nursing Assistant Registry
3. Sex Offender Registry
4. Office of the Inspector General Registry
5. Child Protection Registry
6. Division of Professional Regulation Registry
7. State and Federal Criminal Background Checks
8. Drug Screening
9. Service Letters from prior employers

Before BCC, employers accessed each element individually. This required a great deal of time, numerous paper reports, handling, and risk of exposing sensitive and personal information pertaining to applicants. BCC greatly improves the process of screening job applicants and saves money/time for employers. The BCC also streamlines the review process and reduces the amount of tracking of paper documents.

The BCC has a feature known as the “Quick Background Check.” At the beginning of the screening process, and before any cost is incurred, the employer can access public registries 1 through 4 to determine if any disqualifiers are on record which may influence the decision to hire.

A unique aspect of the BCC is the “Rap-back” process. The Rap-back will alert investigative staff of convictions and potential disqualifiers of employees in the BCC system.

There were 8,264 applications submitted in CY 2017 and 9,629 submitted in CY 2018. The number of users that access the BCC:

CY 2017 - 203

CY 2018 - 261

#### CNA Schools

Erlease Freeman, RN provided commission members with an update regarding the Certified Nursing Assistant Schools. The CNA School oversight is located within DHSS, Division of Health Care Quality.

Anyone who wants to be trained to become a CNA in Delaware must enroll in a CNA training program that is approved by the Division of Health Care Quality.

In 2018, 32 (school) sites offered certification for nurse assistants in Delaware. Three additional sites applied for the program however two sites were approved. The site was not approved because it was not conducive as a learning environment (office suite that did not have sink or running water).

CNA training programs that will be privately owned and operated must first apply for and obtain an initial certificate of approval as a private business & trade school from the State of Delaware Department of

Education (DOE):

[https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/158/1693\\_001.pdf](https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/158/1693_001.pdf).

CNA training programs in Delaware must also be approved by the Division of Health Care Quality before training begins.

Currently, the Delaware Department of Education does not share a copy of the application with the Division of Health Care Quality.

2018 CNA competency report will be uploaded to the Divisions webpage: [https://www.prometric.com/en-us/clients/nurseaide/documents/delaware/DE\\_PassFailReport.pdf](https://www.prometric.com/en-us/clients/nurseaide/documents/delaware/DE_PassFailReport.pdf).

Representative Williams asked about the CNA competency low test scores, written and clinical, that appear on the report. Ms. Freeman shared that the Division will consider in the future to sanction schools that have test scores that fall below acceptable standards. Ms. Bailey added that facilities expect CNA's to be prepared/know their skills before they begin employment.

A facility must not employ individuals who have a negative finding entered into the State Nurse Aide Registry concerning abuse, neglect, or mistreatment of residents, or concerning misappropriation of their property.

4. Old/New Business:

#### DNHRQAC Proposed Legislation

Debbie Gottschalk, Legislative House Attorney, attended the meeting to help with finalizing the proposed legislation. Ms. Bailey provided commission members with three documents: current legislation, DNHRQAC sub-committee's proposed legislation and recommended legislative language to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Commission members approved draft as written with a few minor changes: accepted version #3, adding staffing/budget language back into lines 37 -38 and clarify that organization's Executive Director can be the commission member or appoint a designee.

Ms. Bailey will run the additional legislative changes past Administrative Office of the Courts for their blessing.

Representative Kim Williams and Senator Jack Walsh have agreed to be prime sponsors for this bill.

The final draft will be circulated in both chambers (co-sponsors) and introduced in the near future (most likely March 2019).

Ms. Peterson, DHCQ Director, suggested that members review the commissions mission & bylaws to figure out what would be the most positive and best path forward.

#### DNHRQAC Meeting Schedule

Currently, the commission meets on 2<sup>nd</sup> Tuesday every other month to address the quality of long term care in Delaware. A simple majority of Commission members shall constitute a quorum. A majority of the members present and voting shall be required for action.

Ms. Furber suggested members consider alternate future meeting dates (like 1<sup>st</sup>, 3<sup>rd</sup> or 4<sup>th</sup> Tues every other month) and will forward proposed 2019 meeting dates to members for their feedback.

### DNHRQAC Memberships

Commission members continued their discussion regarding (5) membership vacancies.

5. Public Comment:

### Division of Health Care Quality

Mary Peterson, DHCQ announced her retirement - 4/30/19.

5. Next meeting date/time TBD. Lisa Furber will send an email to commission members with proposed changes to the 2019 meeting schedule. Once finalized, next DNHRQAC meeting date will appear on the public meeting calendar and DNHRQAC's webpage.

6. Adjournment

The meeting was adjourned at 11:56 AM by Lisa Furber.

Attachments: November 13, 2018 meeting minutes draft  
Current, DNHRQAC sub-committee proposed & Debbie Gottschalk legislation  
QART Report  
Staffing Report  
AARP Presentation  
CNA Pass Rates and list of licensed schools  
FY 20 JFC Schedule  
Employee Satisfaction Survey  
CMS Focus on Staffing  
UD Nursing Home Regulation Flyer