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DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION  
Virtual Meeting  
Cisco Webex  
FINAL  
Meeting of September 21, 2021  
Minutes

Commission member(s) present: Lisa Furber, DNHRQAC Chair; Cheryl Heiks; Lorraine Phillips, Ph.D; Norma Jones; Ed Black, Esquire; Jennifer McLaughlin; Georgina Class-Peters (proxy for Lt Gov Bethany Hall-Long); Amy Milligan and Hooshang Shanehsaz.

Tonya Burton, was recently appointed by Governor's Office to serve on the commission. Ms. Burton was present.

Randolf Vesprey, Esquire, DAG was present.

Commission members not in attendance: Kyle Hodges, Karen Gallagher and Representative Kim Williams.

Others Present: Margaret Bailey, DNHRQAC Executive Director; Corinna Getchell, DHCQ; Justin Richards, House of Representatives; Meggan Townes, DHCI; Saundra Hale, LTCOP; Chantel Collie, LTCOP; Richard McKee, DHCQ; Stephen MacDonald, MFCU; Candace Esham, Consumer; Staci Marvel, DMMA; Mark Brainard, JLOSC; Michelle Pedicone, Consumer; Dr. Melissa Winters, DSAAPD; Denise Elliott, DHCQ and Jim McCracken, LeadingAge. There were 5 other individuals that joined the meeting by phone/webex and not identified.

1. Call to order

The meeting was called to order at 9:31 AM by Margaret Bailey. Lisa Furber, Chair was having technical issues and joined the meeting shortly thereafter.

2. Approval of the Minutes for the meeting of:

The meeting minutes' draft of July 20, 2021 were approved as written.

3. Discussion of:

Long Term Care Ombudsman Program (LTCOP)

Chantel Collie, LTC Ombudsman for New Castle/Kent County LTC facilities, provided updates to the commission. Saundra Hale joined LTCOP as State Ombudsman - Sept 13, 2021. Ms. Hale will be replacing Jill McCoy, State Ombudsman, who will be retiring from state employment - October 2021.

LTCOP advocates for residents who live in long-term care facilities as well as those who live in other settings (such as their own homes) and receive home and community-based services. The Ombudsman program investigates and resolves complaints on behalf of these individuals.

Complaints can be made by residents, family members, or other concerned parties. The program also provides opportunities for Volunteer Ombudsmen to serve as friendly visitors/advocates in nursing homes.

Delaware's LTCOP consists of:

- 1 State Ombudsman
- 4 designated facility Ombudsman
- 2 community Ombudsman

Since July, LTCOP conducted:

- 52 facility visits
- 15 community visits

Most volunteer ombudsmen have not felt comfortable visiting facilities or individuals during the pandemic. Currently, there are two active ombudsman volunteers. Since July, seven additional individuals have expressed interest in becoming a volunteer ombudsman but three have asked to wait & train during the end of September 2021. All volunteers mentioned are facility-based. There aren't any community-based volunteers at this time.

Should a resident state they do not want to be treated by an unvaccinated staff member, LTCOP would handle on a case-by-case basis. They have not yet fielded any complaints regarding unvaccinated staff at this point but would advocate for the rights of the residents to ensure care needs are met.

LTCOP only recently began receiving calls about facility visitations & advocate based on the current visitation guidelines.

LTCOP created posters for residents of LTC facilities to have on display in their rooms. The posters are currently being delivered. The posters will provide LTCOP contact information and outline residents rights. Ms. Jones mentioned the importance of distributing the posters as the holidays are once again around the corner. Ms. Collie mentioned if any facilities have not received posters, please email her: [chantel.collie@delaware.gov](mailto:chantel.collie@delaware.gov).

Ms. Hale mentioned the landscape of LTCOP moving forward:

- They hired a consulting group
- Will be reviewing current policies
- Will be reviewing current procedures
- Will be streamlining Processes
- Plan to entertain feedback from others
- Will be participating in State-wide events to promote awareness
- Etc

Ms. Hale will forward the name of the consulting firm to the commission.

LTCOP is working on various ways to support Residents Rights month (October). They will share more information closer to October.

To contact LTCOP: Phone: 1-800-223-9074 or Email: DelawareADRC@delaware.gov.

### Division of Health Care Quality (DHCQ)

Corinna Getchell, RN & DHCQ Director provided updates on behalf of DHCQ.

Since July 2021, DHCQ completed 4 annual surveys that resulted in 106 citations.

The most frequent citation during the four annual surveys:

F884 - Failure to report COVID data to (testing & vaccination) National Healthcare Safety Network (NHSN). Facilities are required to report staff and resident testing/vaccinations to NHSN (it was effective 6/30/2021).

A tie for the next five annual survey deficiencies cited:

- F880 - Infection Prevention & Control
- F812 - Food Care
- F 657 - Care Planning
- F 684 - Care Quality
- F 943 – Abuse, Neglect and Exploitation

DHCQ Complaint Surveys since July 2021:

81 Complaints Reported

48 Complaints Investigated & Closed

10 Complaint Surveys Conducted

Top complaint(s) categories: quality of care, resident abuse, physical environment and medication errors.

The Division's number one priority is to conduct Infection Control Surveys (ICS) when a COVID19 outbreak occurs. After ICS are completed, the Division focuses on annual and complaint surveys.

Staffing Report: Pre-pandemic, DHCQ provided the commission with quarterly staffing ratios per skilled facility. Staffing Reports were placed on hold due to the pandemic. The Division has resumed the reporting of staffing ratios.

Incident Response Teams (IRT) - When a COVID-19 outbreak occurs, these professionals will support long term care (LTC) facilities. Duties include: COVID-19 testing, vaccination,

outreach, training and education on infection prevention methods and mitigation strategies in LTC facilities. IRT's function is not intended to replace the responsibilities of the LTC facilities but will instead supplement existing operations. Since July, there have been 12 facility visits by IRT's.

DHCQ is currently seeing an increase in COVID-19 outbreaks within LTC facilities. The COVID vaccine has not eradicated the virus but so far has helped decrease symptoms & severity of illness.

DHCQ mentioned that although President Biden announced a few weeks ago an executive order requiring health care workers be fully vaccinated, States have not received specific details about mandate or how it will work/time frame.

DHCQ currently has the following staff vacancies: 5 compliance nurses and other support staff vacancies. once available. There was mention that healthcare staffing shortages in Delaware appear across the board (hospitals, home healthcare, nursing homes, agencies, etc).

Since July 2021, CMS has released a few guidance updates. In addition, Delaware Division of Public Health (DPH) released updated testing guidance - yesterday.

DHCQ is hosting bi-weekly calls with Delaware LTC facilities during the pandemic (formerly hosted by State Health Operations Center). Providers, DNHRQAC, industry organizations, and multiple state agencies attend the calls.

#### Medicaid Fraud Control Unit (MFCU)

Stephen MacDonald, Esquire, MFCU Director, provided an update to commission members. This unit consists of 17 professionals which include: prosecutors, chief & special investigators, nurse analyst, auditors, admin staff, etc.

MFCU investigates and prosecutes:

- Medicaid Provider Fraud
- Civil False Claims and Reporting Act
- Resident Abuse/Neglect/Mistreatment in facilities
- Resident Financial Exploitation in facilities
- Medication Diversion in facilities

MFCU receives referrals from other state agencies including DHCQ, Professional Regulations, etc.

Referrals:

2021 (to date): 145  
74 opened  
45 from DHCQ  
13 opened  
2020: 294  
117 opened

71 from DHCQ  
36 opened

2019: 260

125 opened  
71 from DHCQ  
33 opened  
1 from Pro Reg  
1 opened

MFCU receives 75% of its funding from the U.S Department of Health and Human Services. The remaining 25% is funded by the State of Delaware:

FY 2021:

Federal funding: \$1,940,000  
State funding: \$646,905  
Total: \$2,586,905

FY 2022:

Federal funding: \$2,023,797  
State funding: \$674,599  
Total: \$2,698,396

MFCU provides outreach:

FY 19 - MFCU staff provided education to facility staff and law enforcement regarding: Medicaid Fraud, Resident/Patient Abuse, Neglect, Mistreatment, Financial Exploitation, in facilities. There were 49 sessions total: 16 nursing homes, 1 police academy, Delaware State Fair, DSP Law Enforcement Career Fair and 842 individuals educated (not including those at State Fair and Career Fair).

FY20 & 21 - Outreach has been challenging due to COVID.

Department of Justice Healthcare Provider Fraud Hotline at (302) 577-5000

MFCU Online Complaint Form: <https://attorneygeneral.delaware.gov/fraud/mfcu/>

#### 4. Old Business/New Business

##### DNHRQAC Membership Updates

Last month, Ms. Bailey and Ms. Furber met with the “newest” commission members: Tonya Burton and Jennifer McLaughlin. Both members received orientation and shared their views regarding the delivery of LTC services and supports.

There aren't any commission membership vacancies at this time.

## Joint Legislative Oversight and Sunset Committee (JLOSC) Recommendations

Chairman Furber mentioned JLOSC forwarded recommendations and briefly read them aloud during this meeting. Commission members will receive 2 meeting invites (Oct & Dec) to go over the recommendations and figure out a path forward.

### FY 21 DNHRQAC Annual Report

Ms. Bailey has been working on FY 21 DNHRQAC Annual Report. Ms. Furber mentioned that the Commission will begin working on creating sub-committees to assist with reformatting the annual report and other tasks.

### DNHRQAC FY 23 Budget

Ms. Bailey shared that Administrative Office of the Courts is requiring all FY 23 budget requests be submitted by October 1, 2021.

## 5. Public Comment

### Health Observances

August – National Immunization Awareness month

September - National Assisted Living week: 9/12 - 9/18

Pain Awareness month

National Rehabilitation Awareness week 9/13 - 9/17

Falls Prevention Awareness week 9/20 - 9/24 (also Gov Carney Proclamation)

World Alzheimer's Awareness month

October - Residents Rights month. Ms. Bailey shared that a commentary regarding resident's rights month was forwarded submitted to the media. The article will be published in the near future.

### Judicial Budget Retreat

Ms. Bailey joined the Judiciary Leadership Team to discuss FY 23 budget on August 18, 2021.

6. Next meeting commission meeting will be on Tuesday November 16, 2021 @ **location to be determined**.

## 7. Adjournment

The meeting was adjourned at 10:48 AM by Lisa Furber.

Attachments: DNHRQAC Meeting of September 21, 2021 agenda  
DNHRQAC Meeting of July 20, 2021 draft  
MFCU Presentation