
*Delaware Nursing Home Residents
Quality Assurance Commission*

DNHRQAC Meeting of December 14, 2022

9:30 a.m.

Virtually via Cisco Webex

FINAL

Commission member(s) present: Lisa Furber, DNHRQAC Chair; Cheryl Heiks; Norma Jones; Jennifer McLaughlin, OT; Dr. Melissa Winters, PsyD; Senator Spiros Mantzavinos; Christopher Marques, Esquire; Amy Milligan and Hooshang Shanehsaz, RPH.

Commission members not in attendance: Tonya Burton and Representative Kim Williams.

Patrick J. Smith, Esquire was not present from Attorney General's Office (DAG assigned to represent the Commission).

Others Present: Margaret Bailey, DNHRQAC Executive Director; Kevin Andrews, Consumer; Mary Peterson, Consumer; Robert Stewart, Consumer; Kathleen Dougherty, DMMA; Staci Marvel, DMMA; Helana Rodriguez, Project Comfort; Meredith Newman, News Journal; Frank Beech, Harrison Senior Living; Ruth Ann (last name not provided) and one individual joined by phone (unidentified).

1. Call to order

Lisa Furber, DNHRQAC Chair, called virtual meeting to order at 9:33 am.

2. Approval of the meeting minutes:

Meeting minutes draft of September 20, 2022 were approved as written.

3. CY 2023 DNHRQAC Meeting Schedule

There was a motion entered to adopt CY 2023 DNHRQAC Meeting Schedule. The proposed meeting schedule was forward to commission members in advance of this meeting. Members discussed there might be some slight changes to 2023 meeting schedule as the group moves forward with sub-committees.

4. Approval of FY21 & FY22 DNHRQAC Annual Report draft

FY 21/22 DNHRQAC Annual Report was approved as written. Recommendations were incorporated from Joint Legislative and Oversight Sunset Committee (JLOSC) review.

Ms. McLaughlin mentioned that she likes the way the new annual report looks (clear, concise, etc).

Senator Mantzavinos and Chris Marques, Esquire stated they would not be voting on this report as both members recently joined the commission. The remaining commission members approved FY 21/22 annual report as written.

5. Public Integrity Commission (PIC)

Ms. Moreau, Esquire contacted DNHRQAC staff this morning and asked if she could reschedule the PIC presentation due to an illness. Ms. Bailey will connect with Ms. Moreau to reschedule.

6. DNHRQAC Member Updates

Ms. Furber asked commission members to share any updates they may have regarding their membership position as it relates to DNHRQAC's mission.

Ms. Furber and Ms. Bailey continue to work with the Governor's Office to fill 2 membership vacancies and 2 membership reappointments that expired a few months ago. It appears Lori James, State of DE Boards & Commissions Director recently retired.

Lisa Furber - Ms. Furber stated she is participating in the Long Term Care and Memory Care Task Force and representing DNHRQAC.

Cheryl Heiks - Ms. Heiks mentioned Delaware long term care facilities have been working hard to increase the Bivalent booster rates among residents and staff. Ms. Heiks shared links (in this meeting's chat section) of resources from public health, medical directors and others encouraging folks to receive the Bivalent booster.

Senator Spiros Mantzavinos – Co-chair of the Long Term Care & Memory Care Task Force (HCR 110). Senator Mantzavinos mentioned Ms. Furber presented during a Long Term Care and Memory Care Task Force meeting a few weeks ago. The task force's next meeting will be held tomorrow, December 15, 2022 @ 2:00 pm (virtually).

Hooshang Shanehsaz, RPH – As State Pharmacy Director, he mentioned DHSS licensed facilities were proactive and administered the 2nd booster the end of August 2022, as Bivalent booster was being rolled out. CDC and CMS also made changes to the definition of fully vaccinated. As a result, Mr. Shanehsaz mentioned there has been some push back from residents and their care takers regarding additional COVID boosters.

Mr. Shanehsaz also mentioned there has been a shortage of medication, especially very common medications: antibiotics such as amoxicillin, blood pressure medications, diabetes medications, etc. Pharmacists are working with wholesalers to receive medications up front and more or less stockpile medications (3 – 4 month supply) for those anticipated to have a shortage. Additionally, pharmacy committees are looking at list of medications & policies to see if medication substitutes can be made or change the medication to another category, if possible.

Senator Mantzavinos asked whether there have been price increases due to shortage of medications (supply & demand). Mr. Shanehsaz shared that Adderall, brand name of medication used to treat children for ADHD, is the only medication available @ \$1,400. The generic of Adderall medications is not available and less expensive (~\$20 to \$30 for 100 pills).

Senator Mantzavinos asked if supply/demand scenario is occurring for individuals living in long term care facilities. Mr. Shanehsaz mentioned this is occurring in all environments: long term care facilities, community, etc. He further added that long term care facilities contract out for pharmacy services and the State might want to look into

this further. Ms. Heiks agreed that folks should look into this further to come up to some type of solution.

Ms. Heiks shared that regardless of a medication shortage issue, facilities are responsible for ensuring the residents receive their medications (per regs).

Kathleen Dougherty, DMMA, stated that “balance billing is happening because of medication shortages, but at no time should a Medicaid individual be balance billed nor should they pay any cost share over and above their standard, which is less than \$15. As a result, this is not affecting Medicaid clients, however, Medicaid is taking the brunt of some of this.”

Mr. Shanehsaz added that private LTC facilities contract for pharmacy services and they often handle the billing side, too. The State operated facilities utilize State owned pharmacy at DHCI for pharmacy services. They bill Medicare, Medicaid and private insurance. The State pharmacy purchases the medications.

Delaware has 3 managed care organizations that provide services to Medicaid clients – all have a different way of billing, formularies, reimbursement, processes, etc.

Ms. McLaughlin asked “At what point do the insurers have some responsibility?” Ms. Furber further added “Are folks being made aware in advance if a medication is being billed at a higher fee? Do folks have an opportunity to decline before being billed?” Mr. Shanehsaz shared that insurers may receive a letter stating a medication will no longer be covered and might not offer a medication substitute.

Ms. Furber stated this subject should remain on DNHRQAC’s radar, especially if it’s affecting residents living in long term care facilities and commission members should be prepared to continue this discussion during a future commission meeting. Ms. Heiks will reach out to facilities and ask them if they are aware of any such issues with their residents.

Finally, Mr. Shanehsaz added there are still Residents who have not had their initial COVID19 series and it’s becoming increasingly difficult to explain what ‘up-to-date’ is regarding COVID19 vaccinations. As a result, there is quite a bit of confusion.

Norma Jones – Ms. Jones shared that food services in the building where she resides is stuck in a lull. A new resident council president was recently elected. This individual is a retired registered nurse and wants Ms. Jones to run for resident council vice president.

7. Discussion of:

DHCQ Updates, COVID-19 Guidance

Ms, Bailey provided updates regarding DHCQ activities since DNHRQAC Meeting of September 20, 2022 as follows:

Nursing Home Post Survey Meetings (PSM) - During this time frame, DHCQ completed 3 annual inspections/recertifications. DHCQ began sending a copy of closed and completed survey reports to DNHRQAC (effective 8/31/2022).

Level of Community Transmission is still high in all three Delaware Counties per Delaware Division of Public Health.

As of September 15, 2022 (per Delaware Division of Public Health's monthly public stats):

4,837 LTC COVID19 positive cases

1,005 LTC Residents passed away due to COVID19 complications

DHCQ continues to host Zoom meetings with long term care providers monthly to provide guidance updates, resources, etc.

FY 2024 Public Budget Hearings

Ms. Bailey mentioned FY 2024 Public Budget Hearings were held last month. DHSS presented on 11/18/2022. Judicial Branch presented on 11/4/2022.

CMS National Stakeholder Calls

Ms. Bailey shared there were 3 National Stakeholder Calls since September 2022. Meeting specifics were forwarded to commission members.

Cadia Rehab @ Pike Creek – Dialysis Unit

An open house was held October 27, 2022 to showcase the “new” dialysis unit. Several State agencies and others, including DNHRQAC, were in attendance.

Residents Rights Month

Long Term Care Ombudsman Program (LTCOP) hosted several resident rights events at Delaware long term care facilities. Some of the events had to be reschedule due to COVID outbreaks.

DNHRQAC's Executive Director was able to participate in 18 in-person resident rights events which were held primarily in October 2022. LTCOP also distributed robotic-like cats or dogs for dementia specific units.

Ms. Furber and Ms. Bailey submitted articles that appeared in Delaware News Journal and Bay-to-Bay News regarding Residents Rights month.

Project Comfort/Operation: Christmas Blankets

Helana Rodriguez shared news regarding Project Comfort/Operation: Christmas Blankets which included the delivery of warm blankets throughout 3 States: Delaware, Maryland and West Virginia (~ 1,200 blankets total). The purpose of Project Comfort is to share a bit of joy to individuals living in nursing homes and let them know they are not forgotten.

In Delaware, Residents of 6 long term care facilities (750 total) received a warm blanket, handwritten card and visit from a volunteer. DNHRQAC Executive Director participated in the delivery of blankets to 3 of 6 long term care facilities in Delaware.

There were over 300 donors and 100+ volunteers who packaged, transported and distributed the blankets.

8. Old Business/New Business

DNHRQAC Sub Committees

Ms. Furber mentioned there has been discussion during the last couple of commission meetings regarding subcommittees.

Ms. Furber opened the floor for discussion. Her hope is to begin working on establishing subcommittees, update by-laws and so forth.

The subcommittees would satisfy JLOSC recommendations and allow the Commission to be more direct and thoughtful with the various tasks this group needs to complete. She is hoping to have the commission set on a clear path forward within the next few months regarding subcommittees.

Subcommittees suggestions included: legislative, advocacy, workforce (shortages and burn out relating to COVID), by-laws, annual report, executive, and any other subcommittee members believe would relate to DNHRQAC's mission.

The Public Integrity Commission's (PIC) was invited to a commission meeting to be able to assist with establishing subcommittees and possibility of /or avoiding conflict. Ms. Bailey will contact PIC Director and poll commission members as to date/time to reschedule the PIC presentation.

Chris Marquez, Esquire, expressed some concern about forming subcommittees and encouraged members to wait until after the Public Integrity Commission presents to the group.

Ms. Furber mentioned the Commission could contact other agencies that have gone before JLOSC Review as a resource. Ms. Heiks shared it might be helpful to create definitions and outline any potential subcommittee's scope and purpose.

9. Public Comment

Mary Peterson - Expressed concern regarding medication shortages stated by Mr. Shanehsaz. Ms. Peterson believes DNHRQAC should continue to follow what is happening around this issue and hopes Mr. Shanehsaz is able to report about this on a regular basis while it remains an issue since this appears to be a quality of care and quality of life issue. "It seems like the insurer's are taking away choice from healthcare practitioner and residents receiving these medications."

Ms. Peterson agrees that DNHRQAC should have a legislative sub-committee as more and more issues continue to be discussed (like LTC & Memory Care Task Force). She expressed disappointment that nobody from DHCQ attended today's DNHRQAC Meeting. Ms. Peterson suggested DNHRQAC might want to consider creating a quality review subcommittee and stated DHCQ has lot of data. A quality review subcommittee could also review the close/completed annual surveys or complaint reports.

Kevin Andrews – Mr. Andrews asked if someone could point him in the direction of locating COVID19 guidelines for dining, activities, residents leaving their room, etc from the State of Delaware. Ms. Heiks shared a link in the meeting chat section, which includes testing, dining, visitors, etc that all long term care facilities in Delaware must adhere to. Mr. Andrews believes transparency on the part of DHCQ is necessary and would be helpful to share. This would help the public understand where facilities stand so families can make a better decision for their loved one’s care (based on whether facility is in green, yellow or red zones).

10. Next DNHRQAC Meeting – Tuesday January 17, 2023 @ 9:30 AM. The location: TBD.

11. Adjournment

This meeting was adjourned at 11:03 am by Lisa Furber.

Attachments: DNHRQAC Meeting of December 14, 2022 - agenda
DNHRQAC Meeting of September 20, 2022 - minutes draft
DNHRQAC Meeting Schedule - CY 2023
DNHRQAC FY 22/23 Annual Report - draft