
*Delaware Nursing Home Residents
Quality Assurance Commission*

**DNHRQAC Legislative/Advocacy Subcommittee Meeting of November 14, 2023
@ 1:00 p.m.**

Virtually via Cisco Webex

Anchor Location: The Vero @ Newark – 924 Barksdale Rd Newark, DE 19711

FINAL

Subcommittee members in attendance: Chris Marques, Esquire; Mary Peterson, RN, Dr. Avani Virani, and Cheryl Heiks. A quorum of subcommittee members was in attendance. All subcommittee members attended this meeting virtually.

Subcommittee members absent: None.

Others Present: Margaret Bailey, DNHRQAC Executive Director (in-person), Maggie Goonan, Public member (virtually) and Lisa Furber, DNHRQAC Chair (virtually).

This meeting was brought to order @ 1:05 pm.

1. Welcome from subcommittee members

DNHRQAC subcommittee members introduced themselves.

2. Approval of Meeting Minutes:

Meeting minutes draft of October 26, 2023 were approved as written.

3. Discussion of

Brainstorming

Ms. Peterson shared the following questions as spokesperson for this subcommittee to help assist members with determining its next steps:

- DNHRQAC legislative members able to provide copies of proposed legislation before sending to House/Senate for consideration?
- Subcommittee to draft or review proposed or current legislation?
- Subcommittee supposed to review Delaware Code?
- Subcommittee to provide comments during legislative or other hearings?

Ms. Furber reminded subcommittee members they can decide what they would like to focus on related to DNHRQAC's mission. This subcommittee in part was based on recommendations from the Joint Legislative Oversight Sunset Committee (JLOSC) review. It is Ms. Furber's understanding JLOSC wanted to see a more planned way of conducting advocacy.

It is Mr. Marques belief this subcommittee should focus more on the legislative side and other advocacy efforts should be for the full Commission.

Mr. Marques mentioned the time frame to develop a response to the Federal proposal rule was narrow and therefore he wonders if this subcommittee may want to open up membership for the long term so all DNHRQAC members are able to weigh-in on legislation/advocacy. Ms. Furber stated DNHRQAC Legislative/Advocacy Subcommittee can be opened back up and reminded

everyone that all DNHRQAC members are able to attend any or all subcommittee meetings and provide suggestions or feedback. Once subcommittee recommendations are determined, they will be brought forward to the full commission for a vote.

Ms. Furber shared that she is in the process of modifying DNHRQAC By-Laws, to include language related to subcommittees. Her goal is to have a copy of the draft forwarded to the full commission before meeting of November 21, 2023 so they may provide comments on the suggested revisions to the by-laws. Mr. Marques asked the by-laws include what edition of Roberts Rules of Order will be used during meetings.

Dr. Virani mentioned she believe this subcommittees charge needs to come from whatever is going on in legislation. As a result, it would make this subcommittee most effective as opposed to picking its own projects.

Ms. Heiks emphasized that legislation moves rather quickly, and this group might want to consider having a text chain or some other form of rapid exchange to discuss legislation with a quick turn-around time. She further added there is existing legislation related to long term care still in the works and suggested this subcommittee consider exploring as a starting point.

Subcommittee members discussed areas/organizations that might have similar goals, specifically Department of Health & Social Services (DHSS), American Association of Retired Persons (AARP) and State Council for Persons with Disabilities (SCPD). Additionally, there was mention about Delaware General Assembly's House & Senate Health Committee contacts: House – Representatives Harris/Morrison and Senators McBride/Poore. Ms. Peterson stated that it could be to this subcommittees advantage to connect with legislative contacts to stay informed with legislations coming down the pike. Ms. Furber added that SCPD asks Community Legal Aid Society, Inc (CLASI) to analyze a certain number of regulations or bills yearly identified by SCPD and in return, CLASI attorneys will provide written analysis. SCPD Policy & Law Subcommittee uses the written analysis to make decisions about how or if they will advocate for something. Ms. Furber added that SCPD has more staff than DNHRQAC and it might be good to see what SCPD is doing to stay informed.

Ms. Heiks mentioned not all advocacy needs to be focused around legislation or regulations. "There is advocacy for initiatives that are preventable in nature and build support, too."

Finally, subcommittee members asked about recommendations from two of Delaware's more recent legislative taskforces: Long Term Care and Memory Care and Aging In Place. Additionally, it was suggested final recommendations from Pandemic Resurgence Advisory Committee (PRAC) may help this subcommittee to shape advocacy efforts around infection prevention, workforce, etc.

Ms. Heiks provided a brief summary of the Non-Acute Long-Stay Patient Taskforce. There are lots of individuals on this taskforce. Early on, hospitals described patients they are having difficulty placing: severity of issues & barriers, how many individuals, etc.

After brainstorming, DNHRQAC legislative/advocacy subcommittee members voted & decided to explore the following areas of interest in the coming months:

Assisted Living Facility's
Staffing Agency's
Workforce Development Strategies
Hospital Discharge
Fingerprinting/Background Check Center

FY 25 Budget

Ms. Bailey mentioned FY 25 Public Budget Hearings began this week. DNHRQAC is located within the Judicial Branch for budgetary and autonomy purposes. During yesterday's FY 25 Judicial Branch presentation, all non-judicial agency's operating or door opener budget requests, were omitted. DNHRQAC had asked for 2 staff positions: administrative specialist and data analyst in the Commission's FY25 request.

During the end of FY23, Judicial Branch added "new" epilogue language during a Joint Finance Committee Mark-Up Meeting:

*"Section 49. Within the Judicial Branch (02-00-00) are several agencies, termed Non-Judicial Agencies (02-18-00), that provide advocacy and oversight of other government agencies. These agencies, which are overseen by statutory boards or commissions, include the Office of the Public Guardian (02-18-01), the Office of the Child Advocate (02-18-05), the Maternal and Child Death Review Commission (02-18-06), and the **Delaware Nursing Home Residents Quality Assurance Commission (02-18-07)**. The Judicial Branch provides administrative support to these agencies, such as human resources, technology, and accounting services, but it has no supervisory authority. Locating these advocacy agencies within the Judicial Branch conflicts with its impartial administration of justice. It also puts the agencies in a difficult position of competing with the Judicial Branch for operational and budget priorities. To remedy the conflict and to allow these agencies to advocate for their priorities, it is the intent of the General Assembly to explore the relocation of these agencies. The General Assembly requests a report from the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01), consulting with the Non-Judicial Agencies and the Executive Branch, recommending options and costs for budgetary and organizational relocation of these agencies. The report shall be submitted to the Director of the Office of Management and Budget, the Director of Budget Development and Planning, the Controller General, and the Co-Chairs of the Joint Finance Committee no later than February 1, 2024."*

Ms. Bailey mentioned DHSS FY25 Public Budget Hearing will be held on Friday November 17, 2023 (Zoom & in-person).

Action Items:

- Ms. Bailey will find out who the current Legislative Director is for DHSS.
- Ms. Furber will provide language in by-laws that spells out which version of Robert's Rules of Order the Commission will use during meetings.
- Ms. Bailey will send subcommittee members a copy of Aging In Place, LTC & Memory Care Taskforce & Pandemic Resurgence Advisory Committee (PRAC) final recommendation reports.
- Ms. Furber will reach out to State Council for Persons with Disabilities Policy & Advocacy Committee.
- Ms. Bailey will contact Senator Mantzavinos and Representative Williams and invite to the next DNHRQAC Legislative/Advocacy Meeting.
- Subcommittee members will begin inviting stakeholders to future meetings and expand discussions around: Assisted Living Facility's, Staffing Agency's, Workforce Development Strategies, Hospital Discharge and Fingerprinting/Background Check Center.

4. Public Comments

No members of the public provided public comments during this meeting.

5. Next Meeting

The next DNHRQAC Legislative/Advocacy Subcommittee meeting will be held on Tuesday December 12, 2023 @ 2:00 pm: Cisco WebEx & Anchor Location: The Vero @ Newark – 925 Barksdale Rd Newark, DE 19711.

6. Adjournment

The meeting was adjourned at 2:18 p.m.