
*Delaware Nursing Home Residents
Quality Assurance Commission*

DNHRQAC Meeting of November 21, 2023

9:30 a.m.

Virtually via Cisco Webex

Anchor Location: 20151 Office Circle Georgetown, DE 19947

FINAL

Commission member(s) present: Lisa Furber, DNHRQAC Chair; Cheryl Heiks; Kori Bingaman, NHA; Norma Jones; Christopher Marques, Esquire; Senator Spiros Mantzavinos; Jennifer McLaughlin, OT; Dr. Avani Virani and Mary Peterson, RN, BSN.

Ms. Furber and Ms. Peterson attended the meeting in-person @ the anchor location. The remainder of commission members, presenters and members of the public attended this meeting using Cisco WebEx platform.

Commission members not in attendance: Molly Crumley, RN, BSN, MBA: Hooshang Shanehsaz, RPH; Dr. Melissa Winters, PsyD and Representative Kim Williams.

Others Present: Margaret Bailey, DNHRQAC Executive Director; Corinna Getchell, DHCQ; Kim Reed, DHCQ; Jim McCracken, LeadingAge; Rob Smith, DHCQ; Steven LePage, Public; Harry Palmer, DHSS; Annette Moore, The Moorings @Lewis; Maggie Goonan, Public and Paul Smiley, Gilpin Hall.

Commission members introduced themselves and

1. Approval of the meeting minutes

Meeting minutes draft of October 31, 2023 were approved as written.

2. Approval of Revised By-Laws

Ms. Furber mentioned she is in the process of revising the by-laws to include language relating to subcommittees. A draft copy will be provided to DNHRQAC members in advance of January 16, 2024 (full) meeting.

3. Approval of CY 25 DNHRQAC (full) Meeting Schedule

Commission members approved CY 25 meeting schedule as written. These meetings will be held every other month and offered hybrid (Cisco WebEx and anchor location). The meetings are also posted on the Delaware Public Meeting Calendar (PMC): <https://publicmeetings@delaware.gov>.

Subcommittee meetings are in addition to the full commission meetings and also posted on the PMC.

4. Discussion of:

FY 24 Nursing Home Funding/Metrics (House Bill 195)

Ted Mermigos, Acting Director for the Division of Medicaid and Medical Assistance (DMMA), provided an update regarding the nursing home funding granted in FY 24 budget.

Mr. Mermigos has been Acting Director since January 2023. He mentioned during the FY 24 budget initiative, Governor Carney and members of General Assembly allocated \$10M to Delaware nursing homes for retention, recruitment and other nursing home initiatives. This is not a Medicaid initiative. The total will be \$20M, including Federal funds.

Senator Mantzavions asked if the funds have been distributed. Mr. Mermigos stated they have not been distributed yet.

DMMA is currently in the process of completing a “pre-print form/document”. CMS asked DMMA more questions after their initial submission. DMMA plans to submit answers (round #2) to CMS by November 29, 2023.

DMMA identified a methodology with Delaware Health Care Facilities Association (DHCFA) to help establish an effective way to allocate the funds.

Mr. Mermigos mentioned the quality measures appear on DMMA’s webpage:
https://www.dhss.delaware.gov/dhss/dmma/files/dqs_2023_09_29.pdf - 2023 Quality Strategy’s, Goal 5, Objective 5.1.a.1.

Commission members expressed concerns about transparency with the distribution of funds and will forward additional questions to DMMA.

Technology

Steven LePage, Public Member, provided information related to technology enhancements to aid in the delivery of care and supports, including:

1. Promoting Effective Family Communication and Technological Advancements in Care Facilities
 - Harnessing Technology for Easy and Effective Communication
 - Harnessing Technology for Easy and Effective Communication
 - Revamping Nurse Call Bell Systems

2. Leveraging Cutting-Edge Technology for Enhanced Care
 - Embracing Smart Beds
 - Seizing the Potential of Tablets

3. Establishment of Specialized Teams and Enhanced Family Involvement
 - Formation of Specialized Teams
 - Facilitate Family Involvement

4. Proactive Patient Monitoring and Enhanced Security Measures
 - Proactive Patient Monitoring: A Vital Lifeline

- Enhancing Patient Security
 - Support for Dementia Patients
5. Transparency Through Data Reporting
- Quality Assurance (DHCQ) Data Reporting

Mr. LePage stated “In summary, these recommendations collectively contribute to the enhancement of patient care quality, the optimization of operational efficiency, and the alleviation of the burdens on the dedicated staff. By embracing these technological advancements, care facilities can elevate the overall quality of care provided to their residents while streamlining their internal processes for a more effective and responsive healthcare environment. Moreover, these systems not only enhance patient safety but also empower nursing staff to deliver more personalized, one-on-one care to our loved ones, fostering a nurturing and compassionate environment in which residents thrive. “

Ms. Furber encouraged Mr. LePage to stay connected with Commission activities, including the subcommittees, to further advance the quality of care and supports in Delaware long term care facilities.

DHCQ Updates

DHCQ staff members: Corinna Getchell, Rob Smith and Kim Reed attended the meeting and shared updates relating to the Division. The Division provided a summary of their activities during July 1, 2023 – September 30, 2023.

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

Annual and Complaint Surveys: July 1, 2023 – September 30, 2023

Corinna Getchell, DHCQ Director, shared 3rd Qtr 2023 information with commission members:

Nursing Homes/SNF

5 annual surveys
 6 complaint investigations
131 Complaints Investigated

Assisted Living Facilities

4 annual surveys
 6 complaint investigations
87 Complaints Investigated

Ms. Getchell advised the complaints being investigated by DHCQ include complaints from prior years, too. As a result, DHCQ is still trying to catch up and has a backlog.

Top citations during these surveys:

- F812: Food Procurement, Store/Prepare/Serve Sanitary
- F657: Care Plan Timing and Revision
- F656: Develop/Implement Comprehensive Care Plan
- F684: Quality of Care
- F677: ADL Care Provided for Dependent Residents
- F880: Infection Prevention & Control
- F695: Respiratory/Tracheostomy Care and Suctioning
- F756: Drug Regimen Review, Report Irregular, Act On

F943: Abuse, Neglect, and Exploitation Training
F688: Increase/Prevent Decrease in ROM/Mobility
F758: Free from Unnecessary Psychotropic Meds/PRN Use
F761: Label/Store Drugs and Biologicals

As mentioned during a previous commission meeting, the Division entered a contract with Health Management Systems (HMS) to assist with annual and complaint surveys due to workforce vacancies and backlog.

DHCQ stated an internal staff member will be responsible for conducting a review of this contractor's work. The survey report will be given to DHCQ where the quality assurance team will scrutinize findings, same as DHCQ normally does with their own internal surveyor staff.

3rd Qtr 2023 Staffing Report

Rob Smith, DHCQ Health Care Facilities Administrator, shared a copy of the 3rd Qtr 2023 Staff Report with commission members. Ms. Bailey will forward an electronic copy of the report to DNHRQAC members after the meeting.

Due to facility staffing shortages, DHCQ began increasing their involvement in nursing home staffing oversight - effective October 1, 2022. Note: The Staffing Report does not apply to licensed assisted living facilities.

Each licensed nursing home in Delaware is required to submit staffing levels at least quarterly, in addition to every time a survey is conducted by DHCQ.

If a staffing deficiency is identified, a deficiency report is issued and facility will be given an opportunity to correct said deficiency, by submitting a plan of correction. After DHCQ receives an acceptable plan of correction, a random staffing check is conducted to assess the facility's compliance with staffing requirements.

If a facility is not in compliance, further action may be taken by DHCQ (i.e. Civil Monetary Penalty, which could be as much as \$1,000/day fine).

As a result, 3rd Qtr 2023 Staffing Report shows there was a total of 3 licensed nursing homes that were not in compliance for a day or more during this review period.

3rd Qtr 2023 Quality Assurance Review Team (QART) Report

Mr. Smith shared a copy of the 3rd Qtr 2023 QART Report with commission members. Ms. Bailey will forward an electronic copy of the report to commission members, after the meeting. Mr. Smith mentioned all "G" level deficiencies or higher are automatically sent to the Attorney General's Office.

July 1, 2023 to September 30, 2023, QART reviewed 2 nursing home surveys (6 tags total) involving "G" level or higher deficiencies as recommended by surveyors during an inspection.

After review, the QART Team upheld all of the "G" and above level citations involving:

F686 Treatment/Svcs to Prevent/Heal Pressure Ulcers

The facility failed to ensure that residents at risk for pressure ulcers, or those with pressure ulcers received the care and services to promote healing and to prevent new pressure ulcers from occurring.

F692 Nutrition/Hydration Status Maintenance

The facility failed to ensure the residents were offered, assisted and monitored for sufficient fluid intake to maintain proper hydration and health, which resulted in harm for three residents where they required emergent treatment.

F725 Sufficient Nursing Staff

The facility failed to ensure there were sufficient nursing staff to administer critical medications to meet the needs of the residents.

F760 Significant Medication Errors

The facility failed to ensure four residents received timely administration of insulin due to no staff being available to provide the medication.

F600 Abuse and Neglect

The facility failed to ensure that a resident was free of sexual abuse by another resident with a history of sexually inappropriate behavior. F711 Physician Services

F711 Physician Services

The facility failed to ensure that the physician reviewed the residents' total program of care as presented in the interfacility transfer documentation.

Commission members had additional questions relating to the deficiencies cited during this time frame and asked Ms. Bailey to forward questions to DHCQ.

5. Old Business/New Business

DNHRQAC Eagles Law Staffing Ratio Waiver Subcommittee

Ms. Bailey provided a brief summary regarding Eagle's Law Staffing Ratio Waiver Subcommittee activities on behalf of Dr. Winters, subcommittee spokesperson.

This subcommittee was established to create a formalized nursing home staffing ratio waiver process in Delaware relating to Eagles Law and any applicable policies & procedures.

The next subcommittee meeting will be held hybrid (Cisco WebEx & Anchor Location: The Vero @ Newark) on Thursday November 30, 2023 @ 10:00 am. Specific meeting details are posted on Delaware's Public Meeting Calendar.

DNHRQAC Legislative/Advocacy Subcommittee

Ms. Peterson, subcommittee spokesperson, provided a brief summary of activities. The first order of business for this subcommittee was to draft a response regarding CMS Proposed Staffing Standard Rule – comments were submitted 10/31/2023.

This subcommittee was established to provide comments and feedback regarding legislation, regulations and other items of interest relating to long term care services and supports.

The subcommittee identified the following priorities: assisted living, acute discharges and transparency, workforce development and staffing agency registration. In addition, the subcommittee will review recommendations from the Aging In Place Taskforce and Long-Term Care and Memory Care Taskforce.

The next DNHRQAC Legislative/Advocacy Subcommittee meeting will be held hybrid (Cisco WebEx & Anchor Location: The Vero @ Newark) on Thursday December 12, 2023 @ 2:00 pm. Specific meeting details are posted on Delaware's Public Meeting Calendar.

DNHRQAC Staffing Model Subcommittee

Kori Bingaman, subcommittee spokesperson, provided a brief summary of activities as this subcommittee recently met for the first time on 11/16/2023.

The next Staffing Model Subcommittee meeting will be held hybrid (Cisco WebEx & Anchor Location: The Vero @ Newark) on Thursday January 18, 2024 @ 10:00 am. Specific meeting details are posted on Delaware's Public Meeting Calendar.

6. Public Comment

Ms. Annette Moore, NHA & Executive Director for The Moorings at Lewis, asked whether the overall number within the Staffing Report includes Exceptional Care for Children (ECC). Mr. Smith mentioned the Staffing Report does include ECC. In the future, DHCQ will take ECC out of the larger calculation, as this facility staffs higher than most facilities due to their residents' needs and therefore distorts the overall staffing numbers.

7. Next DNHRQAC Meeting – Tuesday January 16, 2024 @ 9:30 am. This meeting will be conducted via virtual platform and in-person anchor location.

8. Adjournment

This meeting was adjourned at 11:37 am by Lisa Furber.

Attachments: DNHRQAC Meeting of October 31, 2023 – minutes draft
DNHRQAC Meeting of November 21, 2023 – meeting agenda
DNHRQAC CY24 Meeting Schedule – draft
3rd Qtr 2023 Staffing Report
3rd Qtr 2023 QART Report
of Surveys/Top Citations Report