
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION
Eagle's Law Staffing Ratio Waiver Subcommittee

In-person & Virtual Meeting

Cisco Webex

Anchor Location: The Vero @ Newark

924 Barksdale Rd Newark, DE 19711

Meeting of March 1, 2024 @ 1:00 pm

FINAL

Subcommittee members present: Norma Jones, Kori Bingaman, RN, NHA, Cheryl Heiks and Dr. Melissa Winters, PsyD. Subcommittee members attended virtually, and a quorum of subcommittee members were present.

Subcommittee members not in attendance: n/a

Others Present: Margaret Bailey, DNHRQAC Executive Director (in-person), Mary Peterson, RN & DNHRQAC member and Rob Smith, Division of Health Care Quality (DHCQ).

1. Call to order

This meeting was called to order at 1:02 pm.

2. Approval of minutes

The meeting minutes draft of February 2, 2024 were approved as written. Ms. Heiks wanted to clarify that she doesn't recall making a promise to gather information from Delaware Health Care Facilities Association (DHCFA) Board within a week.

3. Discussion of:

Subcommittee members discussed feedback from DHCFA Board relating to waiver form draft. There were edits, deletions and items moved around on the draft form. Subcommittee members collectively agree to the changes – line by line.

Action Items:

1. Ms. Peterson will modify waiver form draft to include feedback agreed upon during this meeting.
2. After revising form draft, Ms. Peterson will send a copy to subcommittee members.
3. The waiver form draft will be presented during DNHRQAC (full) Meeting of Tuesday March 19, 2024.

Mr. Smith provided subcommittee members with details relating to the process for incident reporting and exigent circumstances. Incident reporting is completed through a portal. Exigent circumstance forms are submitted to DHCQ resource mailbox (not electronically available).

Since staffing ratios are currently waived per shift, Mr. Smith mentioned facilities receive a staffing form Excel spreadsheet from the Division. This is filled out and sent back to DHCQ to determine whether they are in compliance with 3.28 hours of care per resident per day.

Ms. Bailey asked how the Division will be able to verify after the suspension has been lifted that facilities are meeting resident to staff ratios per shift and complying with the law. Mr. Smith mentioned there was a different staffing form prior to the pandemic that surveyors would need to add hours into a spreadsheet and it would calculate

the patient per day (PPD) ratio. Once the ratio per shift suspension is lifted on July 1, 2024, the Division will begin using this process again to calculate PPD.

Ms. Bailey asked how many exigent circumstance forms have been forwarded to DHCQ during February 2024. Mr. Smith shared there were three forms submitted in February 2024: Agency staff to serve as RN Supervisor (Pike Creek and Polaris). The Division has concerns about making sure there is enough staff to address fire safety.

Ms. Bailey mentioned she reached out the Judicial Information Center to request a resource email mailbox for Eagle's Law Staffing Ratio Waiver (eagleslawwaiver@delaware.gov).

Action Items:

1. Mr. Smith will provide the resource mailbox address to subcommittee members. He mentioned the email address is most likely dhss_dhcqstaffing@delaware.gov, but will need to verify.
2. Ms. Bailey will provide update as to the resource email mailbox during next subcommittee meeting.

Ms. Peterson mentioned subcommittee members might want to check with DHCQ to see if while a facility is going through the waiver process and until DNHRQAC renders a decision, the Division will consider not writing them up for waiver issues.

Subcommittee members agreed to use a 90-day time frame for the waivers. This will appear in the instruction section.

Action Item:

Ms. Bailey will contact DHCQ Director to see if they agree to not write up a facility for waiver issues while waiver decision is pending.

Dr. Winters suggested members to consider risk factors in the waiver decision process.

Action Item:

Dr. Winters will work on drafting risk factors and send to Ms. Peterson to include in the waiver form draft.

4. Public Comment

No members of the public elected to provide public comment.

5. Next Meeting

The next DNHRQAC Eagle's Law Staffing Ratio Waiver Subcommittee will be held on Thursday March 14, 2024 @ 10:30 am. In-person and virtual attendance options will be available. The meeting information will also be posted on the Delaware Public Meeting Calendar.

6. Adjournment

The meeting was adjourned at 3:04 pm.

Attachments: 3/1/2024 Eagle's Law Staffing Ratio Waiver Subcommittee Meeting agenda
2/2/2024 Eagle's Law Staffing Ratio Waiver Subcommittee Meeting minutes draft
Waiver (draft) feedback from DHCFA Board