
*Delaware Nursing Home Residents
Quality Assurance Commission*

**DNHRQAC Legislative/Advocacy Subcommittee Meeting of December 12, 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, and Cheryl Heiks. A quorum of subcommittee members was in attendance. All subcommittee members attended this meeting virtually.

Subcommittee members absent: Dr. Avani Virani.

Others Present: Margaret Bailey, DNHRQAC Executive Director (in-person); Senator Mantzavinos, Brandon Williams, Delaware Senate; and Ruth Ann (not completely identified/attended virtually).

This meeting was brought to order @ 2:04 pm.

1. Welcome from subcommittee members

DNHRQAC subcommittee members introduced themselves.

2. Approval of Meeting Minutes:

Meeting minutes draft of November 14, 2023, were approved with one addition. Subcommittee members added brief language in meeting minutes to include finger printing/Criminal Background Center as an item of interest.

3. Discussion of

Delaware Legislation

This Subcommittee invited Senator Mantzavinos and Representative Williams to attend this meeting and provide legislative updates relative to Delaware long term care services and supports.

The following updates were provided by Senator Mantzavinos:

Long Term Care (LTC) & Memory Care Taskforce final report outlined 17 recommendations. As a result, 5 pieces of legislation were introduced during the last legislative session.

Bills still pending:

- Temporary staffing agencies (Rep. Johnson – HB 204)
- Dementia care services in LTC (Sen. Mantzavinos – SB 150)
- Mandatory disclosure of information in LTC facilities offering dementia care services (Sen. Mantzavinos – SB 151)

Legislation passed:

- Department of Health and Social Services (DHSS) to produce a report on laws and regulations needed to be updated as a result of LTC & Memory Care Taskforce.
- Cultural competency

Senator Mantzavinos mentioned there are two additional taskforces that are currently meeting:

- Non-Acute Long-Stay Patient Taskforce (Sen. Poore & Rep. Harris – SCR 64)
- Enhancing Life Long Community Supports for the Aging, Individuals with Disabilities and their Caregivers Taskforce (Sen. Poore & Rep. Griffith – SCR 78)

Senator Mantzavinos mentioned he and Rep. Johnson will be starting an Elder Care Caucus when legislative session resumes, January 2024, as a continuation of the LTC and Memory Care Taskforce. This General Assembly Caucus would address issues such as assisted living, memory care and other aspects related to aging. The goal is to have a standing committee on aging in the future (2025) within the House and Senate.

Ms. Peterson asked about other legislation introduced during the last legislative session that would impact LTC services and supports:

- Patient Abuse (Sen. Mantzavinos - SB 127)
- Hospital Visitations (Rep. Dukes - HB 242 w/ HS1)
- Continuing Education for Nurses (Rep. Minor-Brown - HB 223 w/HA 1 & HA2)
- DMOST (Sen. Pinkney - SB 195)

Ms. Peterson asked whether the Senator believes it would be a good idea for the Commission to write to the Chair of “Health” committees in the House/Senate. The Senator offered that it couldn’t hurt to remind the legislative committee chairs about DNHRQAC’s goals/mission.

Additionally, Ms. Peterson reviewed the LTC and Memory Care Taskforce final recommendations during the meeting and stated the taskforce’s recommendations are on point with several DNHRQAC’s priorities.

Mr. Marques asked whether there is a resource or contact that could help to alert this subcommittee when bills are introduced or committee agendas. Sen. Mantzavinos provided link: <https://legis.delaware.gov> and mentioned individuals can sign up to receive legislative notifications: [Delaware Notification Services \(finalsiteconnect.com\)](https://finalsiteconnect.com). Ms. Bailey shared that she has access to the legislative notifications and often sends newly introduced legislation or relevant activities to the full Commission. In addition, Ms. Bailey recently sent the 2024 Legislative Session Schedule to DNHRQAC Legislative/Advocacy subcommittee members. The Senator suggested subcommittee members may want to also reach out to the Legislative Aide’s for the Chair in both “Health” committees to provide a heads up.

Ms. Peterson mentioned a few additional advocacy items this subcommittee may want to consider:

1. Aging In-Place Taskforce – Adding 2 Deputy Attorney General’s to support the Senior Protection Initiative. This has been requested in the past.
2. DNHRQAC – FY 25 budget/funding. The Judicial Branch did not include DNHRQAC in FY 25 budget requests. This is something new, as the Courts have always submitted this non-judicial agency’s budget request.

FY 25 Budget

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

To provide background, 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."*

Subcommittee members and Senator Mantzavinos discussed DNHRQAC FY25 budget in further detail. At the time of this discussion, a quorum of subcommittee members was not in attendance.

The Senator believes this issue (future funding & housing) should be DNHRQAC's top priority. It was suggested this subcommittee and full Commission may want to elevate concerns and write to & have discussions with Joint Finance Committee (JFC) and Office of Management and Budget (OMB). It was even suggested the Commission may want to consider having an emergency full commission meeting to discuss and figure out a future course of action. Ms. Bailey will send a complete list of Joint Finance Committee members to DNHRQAC Legislative/Advocacy subcommittee members.

Ms. Heiks mentioned the Governor's Recommended Budget (GRB) has not come out yet so they might have created a solution. Ms. Heiks added "GRB should not be leaving this as a blank hole."

Ms. Bailey reminded subcommittee members the Judicial Branch is working on a report outlining proposed recommendations to JFC & OMB. The report is due February 1, 2024.

4. Public Comments

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

5. Next Meeting

The next DNHRQAC Legislative/Advocacy Subcommittee meeting: TBD. Please note, this meeting will be offered via Cisco WebEx & Anchor Location. Ms. Bailey will send poll to subcommittee members and post next meeting on the Delaware Public Meeting Calendar: [Public Meeting Calendar: State of Delaware](#).

6. Adjournment

The meeting was adjourned at 2:58 p.m.

Handouts: 12/12/2023 meeting agenda
11/14/2023 meeting minutes draft