
*Delaware Nursing Home Residents
Quality Assurance Commission*

**DNHRQAC Legislative/Advocacy Subcommittee Meeting of March 15, 2024
@ 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; Cheryl Heiks and Mary Peterson, RN. A quorum of subcommittee members was in attendance. All subcommittee members attended virtually.

Subcommittee members absent: Dr. Avani Virani.

Others Present: Margaret Bailey, DNHRQAC Executive Director (in-person @ anchor location) and Lisa Furber, DNHRQAC Chair.

This meeting was brought to order @ 1:01 pm.

1. Welcome from subcommittee members

Not applicable

2. Approval of Meeting Minutes:

Meeting minutes draft of December 12, 2023 and February 8, 2024 were approved as written.

3. Discussion of

Joint Finance Committee (JFC) FY 25 Budget Hearings

Subcommittee members briefly discussed the FY25 Joint Finance Committee Budget Hearings for Judicial Branch (2/15/2024) and Department of Health and Social Services (Feb 20 – Feb 21, 2024).

Generic Legislative Letters

Subcommittee members discussed the generic legislative letters:

- Support
- Oppose
- Support with edits

The generic letters were crafted after subcommittee approval during the last meeting and circulated to subcommittee members. The generic letters will be introduced during full Commission Meeting of March 19, 2024 for approval.

Delaware Medicaid & Medical Assistance (DMMA) Funds

Ms. Heiks stated the funds are being released now as a direct payment. Medicaid only facilities are eligible for the funds. Ms. Heiks added the funds are payment for money already spent in 2022.

Mr. Marques asked how salaries in Delaware facility's compare with other States.

Ms. Heiks mentioned the Government also provided Delaware facilities with American Rescue Plan Act (ARPA) funds, which were distributed one-time, related to salaries.

4 Long Term Care Bill Package Introduced

Subcommittee members discussed the following bills that were recently introduced. Ms. Bailey forwarded the bills to DNHRQAC members:

- House Bill (HB) 300 – Assisted Living facility’s licensing credentials
- Senate Bill (SB) 215 – Division of Health Care Quality surveys
- SB 216 – Civil monetary penalties
- SB 217 – Long Term Care (LTC) nurse education

Ms. Peterson mentioned the intention of the bills are good but believes they are misguided.

HB 300 - Ms. Heiks stated that New Jersey has a voluntary option for assisted living facilities regarding accreditation. Ms. Peterson mentioned the cost for accreditation is expensive and worries this will force some facilities to close their doors.

SB 215 – Ms. Peterson shared that until 2013, DE Code stated surveys should be conducted annually. At that time, DHCQ was not able to complete all surveys on an annual basis, so the language was changed to reflect surveys will be conducted on a “regular basis”.

SB 216 – Ms. Peterson believes a rubric should be developed for civil monetary penalties. Ms. Heiks added there needs to be more data collected from DHCQ regarding abuse and complaints.

Mr. Marques mentioned Medicaid Fraud Control Unit (MFCU) receives referrals and prosecutes criminal cases. DHCQ investigates and imposes civil sanctions. He added that Office of Inspector General (OIG) posts statistics on their webpage.

SB 217 – Subcommittee members discussed the LTC nursing support program. It was mentioned this bill didn’t identify Department of Education (DOE) clearly enough as the “Office” to support this initiative. Additionally, the bill didn’t clarify criteria and other program details. Finally, subcommittee members mentioned it appears there would be a funding component associated with this bill and not sure the States position on funding.

Ms. Heiks suggested the State needs to rebuild Long Term Care (LTC) workforce – enhance and retain staff. She added that subcommittee members may want to look further into Malcolm Baldrige, which she believes would be a great resource.

Ms. Peterson offered to write up the suggested edits regarding each newly introduced bill and circulate back to the subcommittee. Ms. Heiks suggested to use bullet points to capture the edits. The edits will be presented during DNHRQAC full Meeting of March 19, 2024 for consideration (vote).

Suspension of Eagle’s Law Staffing Ratio

Ms. Heiks wondered if DHCQ could reach out to facilities and find out how many of buildings could meet the staffing ratios (or not) with their current staff or by July 1, 2024.

Ms. Bailey reminded subcommittee members that staffing ratios per shift have not been captured or required by DHCQ since the pandemic. DHCQ has been conducting staffing desk audits since Oct 1, 2022.

Ms. Furber mentioned now would be the time, as a Commission, to express opposition of any further extension of a blanket waiver suspending staffing ratios beyond June 30, 2024. Additionally, Ms. Furber suggested DNHRQAC should move forward with encouraging new epilogue language to reflect such.

Ms. Heiks texted Ms. Bailey stating she was having technical difficulties and stepped off the meeting.

4. Public Comments

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

5. Next Meeting

The next DNHRQAC Legislative/Advocacy Subcommittee meeting: April 12, 2024 @ 1:00 pm. Please note, this meeting will be offered via Cisco WebEx & Anchor Location. Ms. Bailey will send information to subcommittee members and post on the Delaware Public Meeting Calendar: [Public Meeting Calendar: State of Delaware](#).

6. Adjournment

The meeting was adjourned at 2:51 p.m.

Handouts: 3/15/2024 meeting agenda
12/12/2023 meeting minutes draft
2/8/2024 meeting agenda draft