
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 April 18, 2024 @ 9:30 am

FINAL

Subcommittee members present: Norma Jones; Cheryl Heiks; Mary Peterson, RN; Dr. Melissa Winters, PsyD and Kori Bingaman, RN, NHA. Subcommittee members attended virtually. A quorum of subcommittee members was present.

Subcommittee members not in attendance: n/a

Rob Smith, Division of Health Care Quality (DHCQ) was not in attendance.

Others Present: Margaret Bailey, DNHRQAC Executive Director (in-person); Lisa Furber, DNHRQAC Chair; and Kevin Andrews, Public Member.

1. Call to order

This meeting was called to order at 9:34 am.

2. Approval of minutes

Meeting minutes draft of April 3, 2024 were approved with 2 minor edits. One DNHRQAC subcommittee member abstained from voting because of being absent during 4/3/2024 meeting.

3. Discussion of:

Educational PowerPoint Presentation (PPP)

Subcommittee members discussed the educational piece of the staffing ratio waiver form. It was decided during a previous subcommittee meeting that a PPP would be the best option. As a result, Ms. Peterson offered to create a PPP draft.

The PPP draft was forwarded to subcommittee members in advance of the meeting and shared virtually during this meeting. The purpose of the PPP is to educate facility staff about the staffing ratio waiver form, so they are prepared before the form is rolled out on July 1, 2024.

The PPP slides cover various sections (A, B & C) of the waiver form and provide explanations and instructions. Subcommittee members suggested to add additional slides regarding:

- Other aspects of Eagle's Law
- DNHRQAC's mission
- Link to DNHRQAC webpage
- Objectives (developed, approved & shared during meeting)

Subcommittee members agreed to add a disclaimer slide, too:

“This training resource has been developed based on Delaware Code, current as of May 1, 2024, and is subject to change in response to State and/or Federal legislation.”

Ms. Furber offered to modify PPP draft with edits discussed during today’s meeting and send to subcommittee members.

Dr. Winters offered to make the PPP “pretty” once the edits were made.

Subcommittee members voted to approve the staffing waiver education PPP with edits – All subcommittee members agreed.

Action Item(s):

- **Ms. Furber to modify PPP as discussed and send to subcommittee members.**
- **Dr. Winters to “beautify” PPP after final edits.**

Staffing Ratio Waiver Form

The Staffing Ratio Waiver Form was approved by full commission during DNHRQAC Meeting of March 19, 2024. During today’s meeting, subcommittee members suggested to add page numbers and waiver form “version” to the final form.

Ms. Bingaman mentioned facility’s may want to consider adding their Process Improvement Plan (PIP) and/or Quality Assurance and Performance Improvement (QAPI) Plan as supporting documentation when applying for a waiver.

Ms. Bailey raised the question asked during last full DNHRQAC Meeting by Senator Mantzavinos regarding transparency to family members when a facility is approved for a staffing ratio waiver.

The subcommittee members plan to share details about waiver requests during full commission meetings. There was discussion about whether this information should be shared during a Family or Resident Council Meeting and/or display/notice located in the facility (like a certification hung in conspicuous location).

Additionally, Dr. Winters offered to make the staffing ratio waiver form fillable.

Action Item: Dr. Winters to make staffing ratio waiver form fillable.

Testing/Pilot

Ms. Furber shared that response was low regarding facility volunteers willing to participate in testing the staffing waiver form. She had emailed both industry organizations: Delaware Health Care Facilities Association and LeadingAge, asking for volunteers to complete a staffing ratio waiver form via trial run.

Subcommittee members had discussed during previous meetings that a varied sample of facilities (non-profit vs for-profit, specialty unit, demographics) would be desired for testing of said waiver.

Ms. Heiks offered to reach out to DHCFA members about the request for volunteers.

Ms. Furber offered to set up training and virtual meeting link.

Ms. Heiks suggested subcommittee members may want to present about the staffing ratio waiver form during a DHCFA May meeting.

Action Item(s):

- **Ms. Furber will provide subcommittee members an update by 4/22/2024 regarding facility volunteers for testing/pilot.**
- **Ms. Heiks will reach out to DHCFA members and ask for volunteers.**
- **Ms. Heiks will send DNHRQAC Eagle’s Law Staffing Ratio Waiver Subcommittee members a May DHCFA meeting invite.**
- **Ms. Furber to set up training session and meeting link via Zoom.**

Advertising Staffing Ratio Waiver Education & Waiver Form

Subcommittee members will continue to brainstorm about where to post information regarding staffing ratio waiver training and waiver form.

Ms. Bailey mentioned the Division of Health Care Quality hosts a monthly virtual meeting with Delaware industry providers. Ms. Getchell offered to include this subcommittee in the May and or June 2024 virtual meeting to share information about the staffing ratio waiver.

Action Item(s):

- **Ms. Bailey will invite Department of Health & Social Services (DHSS) Communications to May 10, 2024 subcommittee meeting, 2:00 – 4:00 pm to discuss DHSS social media accounts.**
- **Ms. Bailey will reach out to DHCFA and DHCQ as to invite details.**
- **Subcommittee members were asked to continue thinking about other advertising avenues.**

Waiver Form Review Committee

Subcommittee members agreed during previous meetings the review team should be relatively small, roughly 5 members. This would allow the team to adjust to address any conflicts and should include a diverse number of stakeholders. Holding this position will require a commitment. All subcommittee members were in agreement.

4. Public Comment

Mr. Kevin Andrews spoke, and suggested subcommittee members consider transparency and create some type of formal notification for facilities who have been approved for a staffing ratio waiver.

5. Next Meeting

The next DNHRQAC Eagle’s Law Staffing Ratio Waiver Subcommittee will be held on April 18, 2024 @ 9:30 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 11:35 am

Attachments: 4/18/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee meeting agenda
4/3/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee meeting minutes draft
Draft education piece for waiver form