
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION
(DNHRQAC)

Eagle's Law Staffing Ratio Waiver Subcommittee

In-person & Virtual Meeting

Cisco Webex

Anchor Location: Delaware Health Care

Facilities Association (DHCFA)

501 Silverside Rd Suite 51

Wilmington, DE 19809

Meeting of June 7, 2024 @ 1:00 pm

FINAL

Subcommittee members present: Norma Jones; Cheryl Heiks (in-person); Mary Peterson, RN; Dr. Melissa Winters, PsyD and Kori Bingaman, RN, NHA. Subcommittee members attended virtually, except for Cheryl Heiks who hosted the meeting anchor location. A quorum of subcommittee members was present.

Subcommittee members not in attendance: N/A. DHCQ representative was not in attendance.

Others Present: Margaret Bailey, DNHRQAC Executive Director; Lisa Furber, DNHRQAC Chair, Kevin Andrews, Public Member and RuthAnn Landers, Public Member.

1. Call to order

This meeting was called to order at 1:01 pm.

2. Approval of minutes

Meeting minutes draft of May 23, 2024 was approved as written.

3. Discussion of:

Eagle's Law Staffing Ratio Waiver Outreach - Updates

Department of Health and Social Services (DHSS) Communications Area will post the Eagle's Law Staffing Ratio Waiver PowerPoint Presentation (PPP), fillable waiver application/instructions and video on Division of Health Care Quality (DHCQ) webpage and DHSS social media outlets.

DHCFA and LeadingAge also received the materials for Staffing Ratio Waiver and will post on their webpages, too.

Ms. Bailey mentioned she spoke with the Judicial Information Center (JIC) about including staffing ratio waiver PPP, application/instructions & video on DNHRQAC webpage, too. JIC asked this subcommittee to forward language/materials to be posted in the webpage banner area and Eagle's Law Waiver Section of the webpage.

Subcommittee members voted and approved the following language for the commission's webpage banner area:

“Effective July 1, 2024, all Delaware Skilled Nursing Facilities (SNF) are required to meet the staffing ratios per shift per Delaware Code Title 16 Chapter 11 §VII: [Delaware Code Online](#).”

*This information will remain active on DNHRQAC's webpage during FY25 (July 1, 2024 – June 30, 2025). This information will be posted to DNHRQAC's webpage on 7/1/2024.

Action Item: Ms. Bailey will forward Eagle’s Law Staffing Ratio Waiver banner language and materials to JIC.

Eagle’s Law Staffing Ratio Training/Educational Efforts

1. The Director of Nursing (DON) Workshop was held on June 4, 2024 @ Edgehill (Dover). This in-person training session was hosted by DHCQ. Ms. Furber and Ms. Peterson provided training to roughly 20 participants relating to the staffing ratio waiver.
2. DHCQ virtual Teams Meeting with Delaware skilled nursing (SNF) facilities was held on June 5, 2024. Ms. Furber & Ms. Peterson provided training to 56 participants relating to the staffing ratio waiver.
3. DHCQ Director provided in-person training regarding the staffing ratio waiver during LeadingAge Annual Meeting & EXPO on June 5th (Atlantic City, NJ).
4. DHCFA will be hosting a provider call on June 17, 2024. Ms. Furber & Ms. Peterson will be providing virtual training regarding the staffing ratio waiver to industry members.

Staffing Ratio Waiver Pilot/Test

Despite additional outreach, Ms. Furber mentioned she did not receive any feedback from facilities that offered to pilot/test staffing ratio waiver application. Dr. Winters was not able to connect with Delaware Hospital for the Chronically Ill (DHCI) to see if they would be willing to participate in the waiver pilot/test. Ms. Heiks offered to contact facilities that hadn’t responded to the pilot/test.

Eagle’s Law Staffing Ratio Additional Questions and Items

Ms. Heiks wanted to provide full transparency that the SNF staffing ratio waiver added during Joint Finance Committee (JFC) FY 24 Mark-Up Hearings might be continued in FY 25, too. She mentioned there may be some changes to the waiver’s effective date and said JFC was considering postponing the shift ratios until January 1, 2025 (when additional funding would be provided to Delaware SNFs). Ms. Bailey mentioned nothing has been released in writing as to this and reminded subcommittee members that DHSS Cabinet Secretary is not supporting any additional suspension of SNF staffing ratios per shift beyond June 30, 2024. This DHSS response was shared with the full commission and JFC members a few months ago.

Subcommittee members made a motion for DHSS, specifically DHCQ, to collect SNF staffing data per shift in the event staffing ratios per shift are placed on pause after June 30, 2024. This request was unanimously approved by subcommittee members. This recommendation will be brought forward for a full commission vote during the next meeting.

Action Item: Subcommittee members will bring this recommendation forward during the next full Commission meeting.

Meeting participants discussed the importance of collaboration and partnership in improving the quality of care for long term care residents. They express the need for data and assistance to address staffing and funding issues.

Ms. Furber offered to contact the Department of Labor for statistical data relating to the long-term care industry. She mentioned DE Code gives DNHRQAC the authority to consult with the Department of Labor relating to workforce. Subcommittee members reached a consensus relating to data collection and mentioned it would be helpful to see a snapshot in time: pre and post pandemic, per county.

Action Item: Ms. Furber will contact Department of Labor to request workforce data relating to DNHRQAC Staffing Model and Staffing Ratio Subcommittees.

Ms. Furber and Ms. Bailey recently met with Patrick Smith, Esquire, Deputy Attorney General (DAG) for DNHRQAC to go over a list of questions from commission members. DNHRQAC Members had been asked to forward questions to Ms. Furber. DAG Smith provided his written opinion relating to the list of questions.

Ms. Furber advised subcommittee members that in DAG Smith’s opinion, the review of waiver applications will need to be held in an open public forum until or unless there is a legislative change allowing for another type of meeting.

Action Item: Ms. Bailey will forward DAG Smith’s response to list of questions raised by DNHRQAC members to the full commission.

Concerns were raised regarding the potential for public comment to disrupt waiver application decision meetings and need to establish meeting rules.

A question was raised regarding open public meeting laws and anonymity of pending waivers. Dr. Winters suggested perhaps DNHRQAC may want to consider assigning some type of identifier (such as a number) to each waiver application. This identifier would replace a facility’s name. A motion was raised and subcommittee members approved the use of an identifier for waiver applications.

Action Item: This item will be brought to the full commission for a vote.

Timeliness of waiver application decisions was also discussed during this subcommittee meeting. It was suggested multiple meetings could be set up in advance and cancelled if not needed.

A question was raised regarding an appeal process for waiver application denials. Subcommittee members agreed about having an appeals process for denied waiver applications.

Action Item: This item will be brought to the full commission for a vote.

4. Public Comment

5. Next Meeting

The next DNHRQAC Eagle’s Law Staffing Ratio Waiver Subcommittee will be held on June 21, 2024 @ 10:00 am. In-person and virtual attendance options will be available. Meeting information will be posted on the Delaware Public Meeting Calendar.

6. Adjournment

The meeting was adjourned at 2:35 pm.

Attachments: 6/7/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting agenda
5/23/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting minutes draft