
*Delaware Nursing Home Residents
Quality Assurance Commission*

**DNHRQAC Meeting of May 21, 2024
9:30 a.m.
Virtually via Cisco Webex
Anchor Location: Milford Place
500 S. DuPont Blvd Milford, DE 19963**

FINAL

Commission member(s) present: Lisa Furber, DNHRQAC Chair; Cheryl Heiks; Kori Bingaman, RN, NHA; Norma Jones; Christopher Marques, Esquire; Brandon Williams proxy for Senator Spiros Mantzavinos; Mary Peterson, RN, BSN; Hooshang Shanehsaz, RPH; Jennifer McLaughlin, OT; Dr. Avani Virani and Dr. Melissa Winters, PsyD.

Deputy Attorney General (DAG) Patrick Smith, Esquire was also in attendance.

Ms. Furber attended this meeting in-person @ the anchor location. The remainder of meeting participants attended virtually or by phone. A quorum of commission members was present.

Commission members not in attendance: Representative Eric Morrison and Brian Frazee.

Others Present: Margaret Bailey, DNHRQAC Executive Director; Kevin Andrews, Public and Jim McCracken, LeadingAge.

1. Call to Order & Introductions

The meeting was called to order at 9:35 am.

2. Approval of the meeting minutes

Meeting minutes draft of April 19, 2024 was approved as written.

3. Discussion of:

Eagle's Law Staffing Ratio Waiver

Subcommittee members provided an update on their progress relating to the Eagle's Law Staffing Ratio Waiver which included a summary of the Staffing Ratio Waiver PowerPoint Presentation, fillable waiver application & instructional page, and upcoming plans for instructional presentations.

This subcommittee reached out to Skilled Nursing Facilities (SNF) to see if they would participate in an educational trial/dry run of the staffing waiver application, which is to be used beginning July 1, 2024. It was decided during a previous subcommittee meeting that having several types of facilities participating would be beneficial, such as having a facility participate from each county, for profit vs not for profit, specialty unit, etc.

Each volunteer facility received a video, prepared by Ms. Furber, which provided step by step instructions relating to the waiver application, instructions and commonly asked questions. The video was recently re-recorded to include a minor edit. Ms. Furber will forward the most recent video to subcommittee members.

Ms. Furber has been the point of contact with facilities that volunteered to participate in the trial/test run. Two SNFs volunteered to participate but no feedback was forwarded to Ms. Furber by the 5/17/2024 due date. She will reach back out to the two facilities. Additionally, Ms. Furber sent the video to a few other SNFs who met some of the criteria: located in each county, has a specialty unit, etc.

Ms. Heiks offered to connect with the SNFs that did not reply & follow-up about their feedback. Dr. Winters also offered to share the video with Delaware Hospital for the Chronically Ill (DHCI) to see whether the facility would consider testing/piloting the staffing ratio waiver.

A question was raised during March 19, 2024 full DNHRQAC Meeting by Senator Mantzavinos about transparency and family notification relating to staffing ratio waivers. Ms. Furber mentioned then, that at minimum, she envisioned the waiver results could be shared during full Commission meetings.

DAG Smith, who represents DNHRQAC, suggested application waiver decisions would be better served in closed session. The general idea is to have a closed session. It was noted, however, that this scenario wouldn't qualify as an Executive Session, per DE Code. Ms. Furber asked how a closed session can be accomplished based on this scenario.

DAG Smith asked if Commission members would like to waive the attorney-client privilege. No formal motion was brought forward or seconded during the meeting. There were mixed feelings expressed relating to waiving the attorney-client privilege. As a result, Ms. Furber, opted to err on the side of caution and discontinued discussion related to waiver questions to preserve attorney-client privilege.

Action Item: Ms. Furber will connect with DAG Smith, before the next full commission meeting, and circle back with answers relating to legal & statutory posting rules for facilities that apply for a staffing ratio waiver.

Eagle's Law Staffing Ratio Subcommittee is recommending the use of a smaller subgroup to review and approve or deny waiver requests. There are time sensitivity concerns with having waiver reviews completed during an open public meeting, as meetings need to be posted on the Delaware Public Meeting Calendar seven days in advance. This might possibly delay the processing of a waiver request. Concerns were also raised about subcommittee members who could be in direct conflict with a particular waiver application and therefore other commission members might be more fitting to serve on the smaller subgroup.

Action Item: Ms. Furber offered to meet with DAG Smith and raise questions relating to waiver (decision) timelines. This information will be forward to the full Commission.

Use of Volunteers

The need for additional DNHRQAC staff member resources vs utilizing volunteers was discussed. DAG Smith mentioned the Commission can utilize volunteers but asked for clarity relating to DE Code 7907(e).

Action Item: Ms. Furber will follow-up with DAG Smith relating to volunteers including their roles and responsibilities.

Post Survey Meetings (PSMs)

Ms. Bailey shared that the Division of Health Care Quality (DHCQ) resumed PSMs. Amber Liedlich was recently hired by DHCQ to conduct PSMs. PSMs are an opportunity to share information with residents about citations discovered during a facilities annual survey. A list of May/June 2024 scheduled PSMs will be forwarded to Commission members, should members be interested in attending. If members do plan to attend, Ms. Bailey asked if they could please let her know, identify themselves as a commission member at the PSM and complete a facility visit form.

Action Item: Ms. Bailey will forward May/June PSM schedule to commission members.

4. Old/New Business

Subcommittee Updates

DNHRQAC Legislative/Advocacy Subcommittee – Ms. Peterson mentioned this subcommittee is working very hard but right now individuals are testifying as public individuals only. As a result, this subcommittee will need DAG input. She plans to forward questions for DAG Smith relating to whether this subcommittee can provide any legislative input.

Action Item: Ms. Peterson will send list of questions for DAG Smith relating to DNHRQAC Legislative/Advocacy Subcommittee.

DNHRQAC Staffing Model subcommittee – This subcommittee has not met recently. This group decided to shift commission member resources to work on Eagle’s Law Staffing Ratio Waiver (June 30, 2024 deadline).

DNHRQAC By-Laws

Ms. Furber mentioned DNHRQAC By-Laws should be revised based on the subcommittees and staffing waivers. Mr. Marques, Esquire, recently offered to look at the by-laws draft and offered several suggestions.

A motion was brought forth, seconded and approved to create an ad hoc DNHRQAC By-Laws Subcommittee.

Mr. Marques, Esquire suggested one person from each existing DNHRQAC subcommittee to possibly serve on the by-laws ad hoc group. Ms. Peterson further added, it may be most beneficial for this ad hoc committee to be a standing committee: to do immediate work and review on an annual basis. A motion was brought forth, seconded and approved by the Commission. No members abstained or voted” no”. Mr. Smith, Esquire stated this ad hoc group would need to adhere to Open Public Meeting Laws.

The following commission members offered to volunteer to serve on this ad hoc subcommittee: Chris Marques, Esquire; Mary Peterson; Dr. Virani and Lisa Furber.

Action Item: Ms. Furber will email Commission members with by-laws draft and to see whether anyone else would like to volunteer to serve on this subcommittee.

Legislative Updates

Brandon Williams, proxy for Senator Mantzavinos, provided an update regarding the following legislation:

SB 150: Sponsored by Senator Mantzavinos – Has bill substitutes, will be heard this week in full Senate.

SB 151: Sponsored by Senator Mantzavinos – Has bill substitutes, will be heard this week in full Senate.

SB 215 (annual inspections): Sponsored by Senator Mantzavinos – Out of House Health and Human Development Committee & in Finance Committee this week.

SB 216 (civil monetary penalties): Sponsored by Senator Mantzavinos – To be heard in House Health & Human Development Committee on Wednesday (5/22/2024).

SB 217 (loan to grant program): Sponsored by Senator Mantzavinos – Continuing to meet with stakeholders regarding this bill. They hope to see movement in June when back in session.

HB 300 – Representative Johnson’s bill which was heard in House Health & Human Development Committee.

HB 204 – Representative Johnson’s bill regarding temporary staffing. It was passed in the House and is on Ready List in Senate.

Ms. Furber also mentioned World Elder Abuse Awareness Day (WEEAD) is June 15, 2024 and something DNHRQAC asks to be acknowledged in Delaware. This day is recognized annually in Delaware House/Senate Chambers to provide awareness relating to elder abuse, neglect, mistreatment and financial exploitation.

This year, a concurrent resolution will be prime sponsored by DNHRQAC members, Senator Mantzavinos and Representative Morrison.

DHSS Secretary Manning Invitation

Commission members discussed inviting Sec. Manning to July 16, 2024 commission meeting. Commission members were asked to forward questions to DNHRQAC Chair.

5. Public Comment

Mr. Kevin Andrews provided public comment and reiterated the importance of a formalize notification to residents and families relating to a staffing ratio waiver.

6. Next DNHRQAC Meeting – TBD. This meeting will be conducted via virtual platform and in-person anchor location. Meeting invite and details will be forwarded to commission members & available on the Delaware Public Meeting Calendar.

7. Adjournment

This meeting was adjourned at 11:06 am by Lisa Furber, DNHRQAC Chair.

Attachments: DNHRQAC Meeting of May 21, 2024 – meeting agenda
DNHRQAC Meeting of April 19, 2024 – meeting minutes draft
Eagle’s Law Staffing Ratio Waiver PPP
DNHRQAC By-Laws - draft