
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION
(DNHRQAC)

Eagle's Law Staffing Ratio Waiver Subcommittee

In-person & Virtual Meeting

Cisco Webex

Anchor Location: Delaware Community

Legal Aid Society, Inc

820 Walker Rd

Dover, DE 19904

Meeting of August 23, 2024 @ 10:00 am

FINAL

Subcommittee members present: Norma Jones; Cheryl Heiks; Lisa Furber, Chair and Mary Peterson, RN.
Subcommittee members attended virtually, except for Lisa Furber who hosted the meeting @ anchor location. A quorum of subcommittee members was present.

Subcommittee members not in attendance: Dr. Melissa Winters, PsyD. Rob Smith, Division of Health Care Quality (DHCQ) representative was not in attendance.

Others Present: Margaret Bailey, DNHRQAC Executive Director; Maggie Goonan, Public and RuthAnn Lander, Public.

1. Call to order

This meeting was called to order at 10:00 am.

2. Approval of minutes

Meeting minutes draft of August 9, 2024 was approved as written. Motion to approve meeting minutes was seconded and carried by a majority of member present. One subcommittee member abstained from voting on the meeting minutes.

3. Discussion of:

Waiver Application and Power Point Presentation Updates

Subcommittee members received a copy of the updated waiver application and Power Point Presentation (PPP) that was discussed & approved during last subcommittee meeting including adding specific language from the budget bill. Ms. Peterson volunteered to make the changes and send to the group. The same changes were also shared during this meeting. Although not in attendance today, Dr. Winters previously offered to beautify both documents to include the edits as approved.

Two separate motions were raised: 1. to approve changes to the waiver application and take to full commission for vote & 2. to approve changes to the PPP & take to full commission for a vote. Both motions were both seconded and approved by majority of subcommittee members present. One subcommittee member voted no to both motions.

Ms. Heiks shared specific language from Senate Bill (SB) 325, as written, section 192 on page 181 "Long-term care facilities must continue to provide 3.28 hours of direct care per resident per day. However, the staffing ratios required in 16 Del. C. § 1162 are hereby suspended until January 1, 2025."

Action Item: Dr. Winters will beautify application and PPP. She will then forward to subcommittee members who will present to the full commission during meeting of September 17, 2024.

Waiver Application Review Team

The goal of a waiver review team is to have a smaller group to do the heavy lifting of reviewing staffing ratio waiver applications and then the group will share their recommendation with the full commission. Ms. Furber mentioned she will continue to reach out to commission members for a commitment to serve on the staffing ratio waiver application review team. She connected with DAG Smith and was advised he does not see any liability concerns for individual members serving on the waiver application review team. He also advised the Commission is not responsible for creating a waiver application appeal process.

Ms. Heiks suggested someone participate on the application review team that has recent facility experience. Ms. Furber offered to contact DAS Smith regarding this suggestion.

Action Item: Ms. Furber will contact DAG Smith regarding suggestion to have someone with recent SNF experience to be part of the Eagles Law Staffing Ratio Waiver application review team.

Waiver Application Rubric/Mapping

During a previous subcommittee meeting, members modified the decision pathway document created by Dr. Winters. Minor changes were made and a copy was forwarded to subcommittee members. This document was shared/reviewed during last subcommittee meeting.

One of the suggestions from subcommittee members was to ask the Long Term Care Ombudsman Program (LTCOP) for help with data regarding the “Voice of the Customer.” Unfortunately, Ms. Hale was not able to attend today’s subcommittee meeting.

Action Item: Members asked Ms. Bailey to reach back out to Ms. Hale, LTCOP, to see if she can attend the next subcommittee meeting on September 13, 2024 @ 10:00 am to discuss the “Voice of the Customer” in more detail.

4. Public Comment

No members of the public provided comment during this subcommittee meeting.

5. Next Meeting

The next DNHRQAC Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting will be held on Friday September 13, 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 11:10 am.

Attachments: 8/23/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting agenda
8/9/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting minutes draft
Updated Eagle’s Law Staffing Ratio Waiver Application and PPP (due to SB 325)