

Delaware Nursing Home Residents Quality Assurance Commission

Annual Report

FY 2023/2024

(July 1, 2022 – June 30, 2023)

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Additional copies of the report are available from the Commission at: 2540 Wrangle Hill Rd Suite 223 Bear, DE 19701 or by visiting: <http://courts.delaware.gov/AOC/?dnhrqac.htm>. The Commission's Executive Director, Margaret Bailey, can be reached by office phone: 302.836.2133 or email: margaret.e.bailey@delaware.gov.

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Members of the Commission as of July 1, 2024

Elisabeth A. Furber, Chair

Brian Frazee

The Honorable Eric Morrison

Mary Peterson, RN, BSN

Dr. Avani Virani, MD

Melissa Winters, PsyD, NHSP

Kori Bingman, NHA, RN

Hooshang Shanehsaz, RPH

Chris Marques, Esquire

Jennifer McLaughlin, OT

Honorable Spiros Mantzavinos

Norma Jones

Cheryl Heiks

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

ANNUAL REPORT FY 2023/2024

Table of Contents

I.	Commission Background Information	4
II.	Agency Reviews	6
III.	Legislation, Regulation, Guidance, Emergency Order Review & Advocacy	8
IV.	DNHRQAC Staffing	10
V.	DNHRQAC Facility Visits	11
VI.	Other DNHRQAC Activities and Accomplishments	11
VII.	Facing Forward: Commission Goals	11
VIII.	Appendix A, B & C	13

I. BACKGROUND INFORMATION

The Commission

The Delaware Nursing Home Residents Quality Assurance Commission (the Commission) was established in 1999 - 29 Del. C. § 7907. The Commission's principal charge is to monitor Delaware's quality assurance system for nursing home & assisted living residents in both privately run and state operated facilities with the goal that agencies responsible for the oversight of facilities are coordinating efforts to achieve optimum quality outcomes.

As part of its monitoring effort, the Commission reviews state agencies responsible for investigating complaints of abuse, neglect, mistreatment and financial exploitation, as well as other agencies that have input on the quality of care in Delaware's nursing homes. The Commission reviews reports of serious citations of quality of care issues and staffing patterns prepared and presented on quarterly basis by the Division of Health Care Quality as directed by the Joint Sunset Committee in 2006.

The Commission is also charged by the General Assembly and the Governor with examining policies and procedures to evaluate the effectiveness of the quality assurance system for nursing home residents, including the respective roles of Delaware Health and Social Services, the Attorney General's Office and law enforcement agencies as well as health care professionals and nursing home providers.

Finally, the Commission is required to prepare and submit an annual report to the Governor, the Secretary of the Delaware Department of Health and Social Services (DHSS) members of the Delaware General Assembly and the Director and the Librarian of the Division of Legislative Services. This is the Commission's FY 2023/2024 annual report.

Appointment of Commission Members

DNHRQAC Membership is composed of:

- (1) One member appointed by the Speaker of the House.
- (2) One member appointed by the President Pro Tempore of the Senate.
- (3) Four members serving by virtue of position, or a designee appointed by the member, as follows:
 - a. The Attorney General.
 - b. The Executive Director of the Community Legal Aid Society, Inc.
 - c. The Executive Director of the Delaware Health Care Facilities Association.
 - d. The Executive Director of the Delaware Healthcare Association.
- (4) Seven members appointed by the Governor as follows:
 - a. One member who is a resident or a family member of a resident of a nursing home.
 - b. Three members, 1 from each county, who work in a nursing home setting.
 - c. A health-care professional.
 - d. Two individuals who are each an advocate for people with disabilities or the elderly, or both.

Other noteables:

The members of the Commission shall elect a Chair.

A majority of the total membership of the Commission constitutes a quorum. A quorum is required for the Commission to take official action.

The Commission may adopt rules and bylaws necessary for its operation. The Commission may form sub-committees to assist with carrying out their mission.

The Commission, as operated within the limitation of the annual appropriation and any other funds appropriated by the General Assembly, shall furnish staff for the Commission.

Frequency of Meetings

While the Commission is only required by statute to meet at least quarterly, the Commission meets, at a minimum, on a bi-monthly basis.

II. AGENCY REVIEWS

Introduction

Pursuant to 29 Del.C. § 7907(g) (1), the Commission is required to review and evaluate the effectiveness of the quality assurance system for Delaware nursing home and assisted living residents. To do so, the Commission requests information and takes testimony (a snapshot in time) from representatives of state agencies and other providers. These include the Division of Health Care Quality (DHCQ), the Long Term Care Ombudsman's Program (LTCOP), Division of Medicaid and Medical Assistance (DMMA), the Department of Justice (DOJ), Division of Aging and Adults with Physical Disabilities (DSAAPD), Guardianship, law enforcement agencies, other state agencies, health care professionals and industry providers.

To that end, the Commission invited representatives from state agencies and other presenters to appear and testify before the Commission. The following is a summary of the agency reviews and information they presented:

- Division of Health Care Quality – Nursing Home Staffing Reports for all 4 quarters; Quality Assurance Review Committee Report (QART) for all 4 quarters; Desk “nursing home staffing ratio reviews” conducted by the Division for Hours Per Resident Per Day (HRPD), Updates on Recertification and Complaint Surveys, Criminal Background Check Center; Adult Abuse Registry, State Civil Monetary Penalties (CMPs), Exigent Circumstances and other items related to the safety and wellbeing of long term care residents.

Please note the attached appendix A, B, & C related specifically to HRPD, QART, and CMP statistics.

- Division of Medicaid and Medical Assistance – Managed Care Organization updates; discussion around balance billing, Long Term Care Medicaid Eligibility Unit updates and open enrollment, update on LTC federal/state one-time funding to enhance staffing.
- Long Term Care Ombudsman Program – Updates on Facility Visits; Overview of Complaints received; Outreach activities, Training of Staff and Volunteers; Discharge Appeals; Resident’s Rights Month and LTCOP Webpage Updates.
- Project Comfort – Overview of this program which distributed blankets and handwritten notes to long term care (LTC) residents in Delaware during the winter holidays. Several hundred blankets were distributed to several Delaware LTC facilities. DNHRQAC Executive Director and Commission members assisted with delivery.
- Medicaid Fraud Control Unit – Overview of data and statistics; Community outreach and education initiatives and review of trends.
- Public Comment was accepted at each meeting. The meetings offered in-person and virtual attendance options.

III. LEGISLATION, REGULATION, GUIDANCE, ADVOCACY EFFORTS

The Commission received notice of regulations and legislation effecting long-term care residents in the State of Delaware during FY 2023 and 2024. The following legislation was introduced by General Assembly Members during this time frame:

FY2023

House

HB 204 w/ HA 1 & SA 1
HB 199

Senate

SB 152
SB 151
SB 123
SS 1 for SB 151
SCR 48
SCR 80
SCR 94
SCR 205

FY2024

House

HB 298 w/ HA 1
HB 304
HB 140 w/ HA 1
HB 204 w/ SA 1 & SA 2
HS 2 for HB 300
HCR 133
HCR 124

Senate

SB 215 w/ SA 1, SA 2
SB 216 w/ SA 1
SB 217
SB 321 w/ SA 1
SB 319
SCR 181
SCR 198
SS 2 for SB 150
SS 1 for SB 151

Additional bill details can be found @ General Assembly's Webpage: [Home - Delaware General Assembly](#).

Advocacy Efforts

During FY 23 and FY24, DNHRQAC participated in many advocacy efforts. These included, but not limited to: distributed DNHRQAC flyers throughout the State of Delaware; submitted commentary news articles regarding World Elder Abuse Awareness Day (WEAAD), Residents Rights Month and Older Americans Month; participated in on-going dialogue with DHSS Cabinet Secretary and other health and social service leadership (includes informal advocacy efforts through email); Outreach efforts to Congressional Delegates; participated in many calls with licensed facilities and multiple stakeholders; joined multiple Resident Rights events throughout Delaware and attended Post Survey Meetings (PSMs).

Additionally, the DNHRQAC participated on the Long Term Care and Memory Care Taskforce (HCR 110) as well as the Non-Acute Long-Stay Patient Taskforce (SCR 64). Both Taskforces focused on long term care services and supports. The Taskforces also suggested recommendations related to many barriers impacting the quality of care and services. The findings demonstrate the extent of the challenges facing the State, but also offer an opportunity to take substantive and meaningful actions to improve long-term care in Delaware.

DNHRQAC steadily advocated for a Caucus on Aging within the General Assembly to discuss issues affecting the continuum of care for Delaware Seniors and their caregivers. In February 2024, the General Assembly established a newly formed Caucus on Aging. DNHRQAC attended the forums held by the Caucus on Aging and participated in discussions around finding solutions, building consensus and driving the conversation forward.

DNHRQAC established several subcommittees including Legislative & Advocacy, Staffing Models and Eagles Law Staffing Ratio Waiver.

- Legislative & Advocacy Subcommittee – focuses on analyzing and commenting on legislation, regulations and other items on behalf of the Commission.
- Staffing Models Subcommittee – was created to study long term care staffing models in Delaware and to address workforce shortages.
- Eagles Law Staffing Ratio Waiver Subcommittee - was formed to create a formalized nursing home staffing ratio waiver application process.

DNHRQAC engaged in systemic advocacy on both the State and Federal level. An example of DNHRQAC's Federal advocacy is providing written comments to the Centers for Medicare and Medicaid Services (CMS) regarding the proposed minimum staffing standards for long term care facilities. Some advocacy examples at the State level include follow-up on Taskforce recommendations, provided training related to the Eagles Law Staffing Ratio Waiver Application process and provided testimony at General Assembly Committee hearings.

Moreover, DNHRQAC wrote to the DHSS Secretary and the Joint Finance Committee to advocate for the prompt implementation of the Eagles Law Staffing Ratio Waiver process and to advocate for filling vacant positions within DHCQ. Further, DNHRQAC wrote to the Executive Director of Delaware Criminal Justice Information System (DELJIS) to elevate awareness and provide support for prioritizing the criminal Background Check Center's Rapback Project.

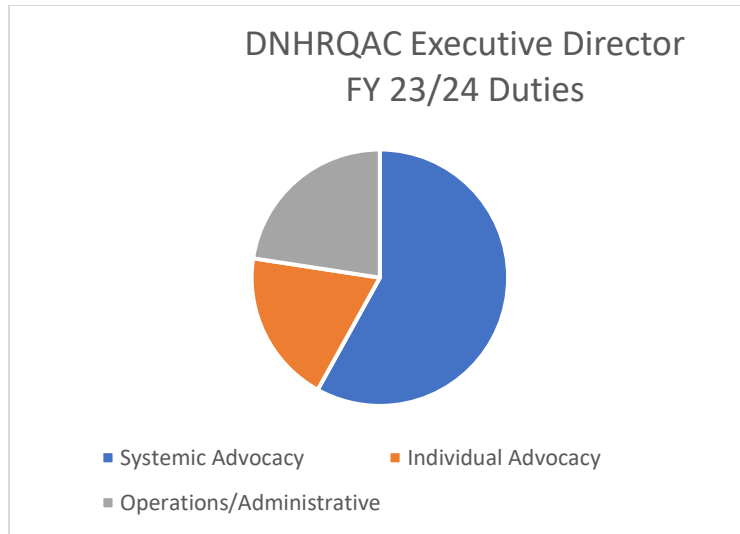
DNHRQAC attended and participated in the following:

- Post Survey Meetings
- Care Plan Meetings
- Resident's Rights Related Events
- Conferences, Workshops and other Training Events

IV. DNHRQAC STAFFING

The Commission is a non-judicial agency of the Delaware Courts. The staff member reports directly to DNHRQAC Chair and budgetary checks and balance is monitored by the Administrative Office of the Courts. Currently, staff consists of one full-time employee, Executive Director who:

- Provides DNHRQAC members with most recent Federal and/or State regulations/legislation or other materials regarding long term-care services and supports.
- Works with Administrative Office of the Courts to develop, coordinate and maintain the commission's operating budget.
- Attends budget hearings and represents DNHRQAC during workshops, conferences, etc. on behalf of the commission.
- Serves on committees, task forces and problem-solving groups.
- Participates in care plan meetings, post survey meetings, budget hearings and other on-site facility visits to gain insight regarding quality of life concerns. (such as events, celebrations, etc) .
- Acts as liaison with other State agencies, organizations and stakeholders.
- Monitors and evaluates programs affecting the quality of care for residents in licensed nursing homes/assisted living facilities in Delaware.
- Directs the daily operation of the Commission.
- Plans and executes budget as defined during annual process.
- Reviews theories, principles, laws and practices of health or human service programs and services to assist and improve quality of life for residents in long term care and assisted living facilities.
- Responds and interacts with residents, family members, state agencies, and others regarding quality of care and quality of life concerns for residents living in long-term care and assisted living facilities.
- Prepares ad hoc reports and other documents as needed.
- Organizes annual report for Governor and Delaware General Assembly members. Works closely with State Regulatory agencies, advocacy groups and others regarding quality of care and quality of life.
- Hosts bi-monthly Full Commission open public meetings to address gaps in service, identify concerns and review laws/policies/guidelines regarding the quality of care. Hosts various Subcommittee Meetings.



V. FACILITY VISITS

DNHRQAC connected with many Residents, families and facilities to share information and lend assistance regarding quality of care. Often, family members and others contacted the Commission for assistance: phone, email, text, etc.

On-going distribution of DNHRQAC flyers were provided to Residents, family members and staff during Post Survey Meetings (PSMs), events and other public opportunities.

VIII. OTHER DNHRQAC ACTIVITIES & ACCOMPLISHMENTS FY23

- Updated DNHRQAC By-Laws
- Created sub-committees to further their mission
- Provided onboarding orientation for new DNHRQAC members
- Facilitated conversations with State agencies, stakeholders, providers and others to address concerns within long term-care environment to include: workforce, medication shortages, vaccinations, staffing ratios, delivery of services and supports, etc.
- Attended open houses such as Cadia Rehab @ Pike Creek opening of their dialysis unit (10/2022) and other public events to promote awareness.

IX. FACING FORWARD: COMMISSION GOALS

The Commission has set forth the following goals in FY2025:

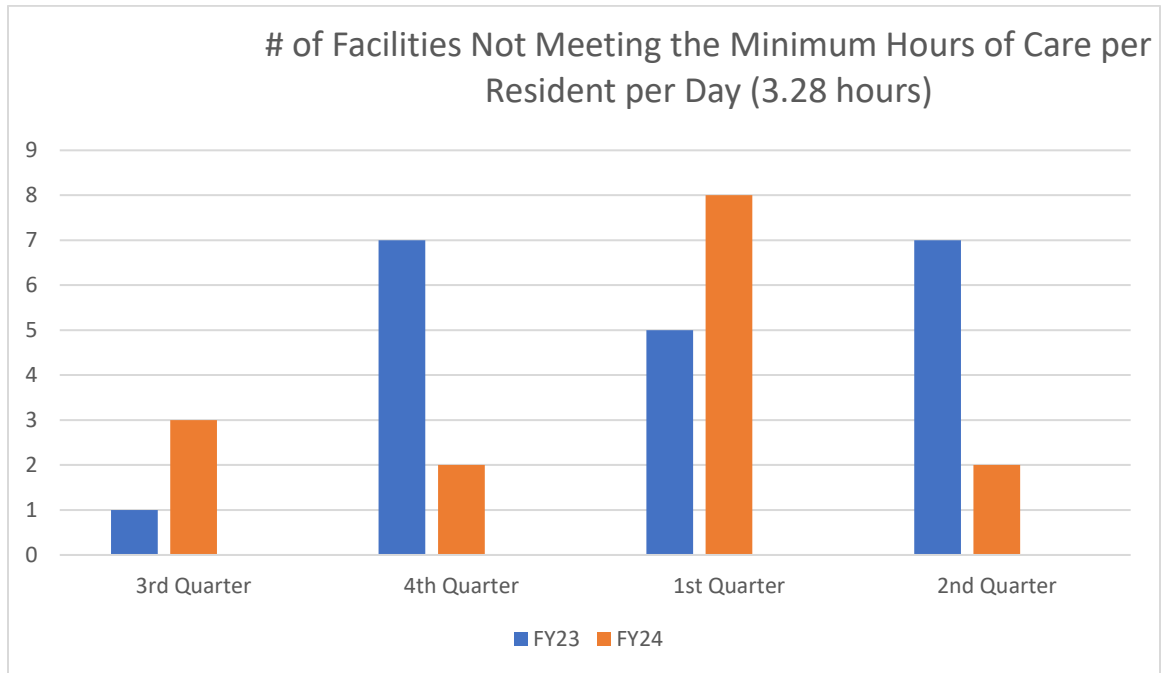
- Continue to review State agencies performance and coordination relating to delivery of services and supports in long term care facilities.

- Focus on reviewing what other states are doing to ensure quality of care and provide recommendations to the Governor and Members of the General Assembly.
- Encourage collaborative initiatives that will reduce high turnover of long-term care staff and assist with developing qualified staff strategies.
- Monitor enforcement of Eagle's Law so as to ensure minimum staffing level compliance.
- Enhance outreach to consumers of long-term care to increase Commission profile so as to ensure the Commission is called upon to review problems and deficiencies in long term care.
- Address quality of life issues for long term care residents including end-of-life and hospice care services.
- Identify "Gaps" in services available for aiding in the care for the elderly and disabled.
- Review educational programs such as Certified Nursing Assistants (CNA) and make educational recommendations to enhance the programs.
- Focus on employee recruitment and retention challenges to aid in the quality of care for residents.
- Provide feedback to State agencies and stakeholders regarding the comprehensiveness of their response to COVID-19 Pandemic, other emergencies and workforce challenges affecting LTC facilities and oversight agencies.
- Continue to expand on sub-committees to focus on Legislative Review, Advocacy, Annual Reports and other topics.
- Review and Comment on Federal and State Legislation, Emergency Orders, Regulations, Federal and State Guidance, etc that affects quality of care in Nursing Homes and Assisted Living's Facilities in Delaware.

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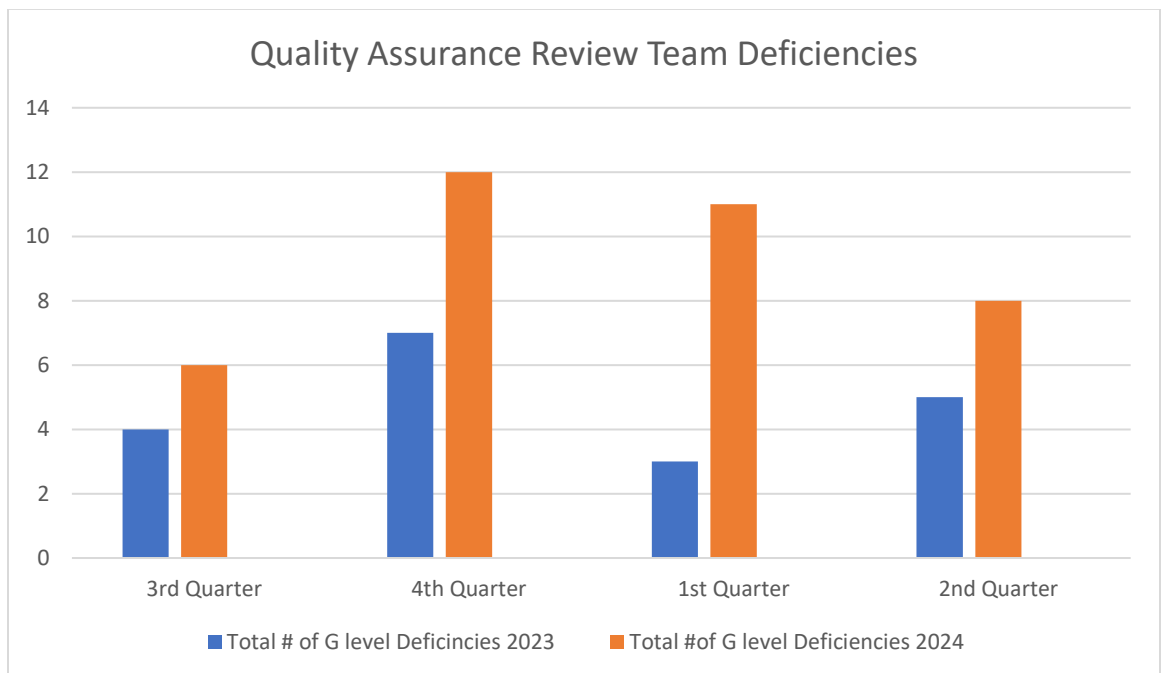
Appendix A

HRPD



Appendix B

QART



Appendix C

CMPs

