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DELAWARE RESIDENTS' PROTECTION COMMISSION (DRPC)

Legislative/Advocacy Subcommittee

In-person & Virtual Meeting

Zoom

Anchor Location: DE CLASI Dover

840 Walker Rd

Dover, DE 19904

**Meeting of February 13, 2026 @ 1:00 p.m.**

FINAL

Subcommittee members present: Lisa Furber (anchor), Cheryl Heiks, Chris Marques, Esquire; Sean Dwyer, and Mary Peterson. Subcommittee members attended virtually. A quorum of subcommittee members was present.

Subcommittee member(s) not in attendance: Dr. Avani Virani

Others Present: Margaret Bailey, DRPC; Ngozi Dom-Chima, DRPC; Susan Moore, DRPC; and RuthAnn Lander, Public.

1. Call to order

Chairperson Furber called the meeting to order at, 1:04 p.m.

2. Approval of meeting minutes

Meeting minutes draft of January 16, 2026, was approved as written.

3. Discussion of:

Memory Care Legislation Draft/Feedback

Ms. Bailey shared feedback from DHSS, LeadingAge, and the Alzheimer's Association from the previous Legislative and Advocacy Committee meeting.

Chairperson Furber followed up with a prior inquiry on whether the Commission needs to disclose to stakeholders that the memory care feedback will be discussed publicly. She added that she contacted DAG Patrick Smith after the previous subcommittee meeting for guidance. Chairperson Furber stated that DAG Smith has not had an opportunity to respond directly to the Commission but provided a general summary. Chairperson Furber explained DAG Smith's summary by stating that the DRPC is a public body, and all information discussed during a meeting must be made public unless the information meets certain legal exceptions.

DHSS Feedback - Memory Care feedback was discussed beginning with documentation from James Berryhill, representing DHSS and DHCQ. Commissioner Peterson commented that DHSS appears supportive of strengthening dementia care services; however, they are concerned about the workforce shortage, and DHSS understands that residents in a memory care unit have a higher acuity and vulnerability than the residents in the regular AL section. Additionally, DHSS would like to see this postponed until the regulations from the previous legislative session has been completed.

Commissioner Marques commented that the feedback provided appears to be consistent with the concern raised previously about prior legislation and regulations, and his concern is that waiting too long will not keep this initiative moving forward.

Chairperson Furber agreed and stated that this is a process, the Commission needs to continue engaging stakeholders, keep it moving at a slow pace, and when the regulations are completed, the Commission has kept up pace to move forward with memory care conversations.

Commissioner Heiks added that she would like to see feedback from Delaware Health Force in terms of comments from other stakeholders noting significant Registered Nurse (RN) and Licensed Practical Nurse (LPN) workforce shortages.

Commissioner Peterson agreed and asked if Ms. Dom-Chima, DRPC Data Analyst, could prepare a data report showing DHSS staffing data from 2018 and 2025 for skilled nursing facilities, excluding state facilities and Exceptional Care for Children. Commissioner Heiks commented that the state facilities should be included in the data but noted with an asterisk as working in a state facility.

Commissioner Dwyer stated that Delaware is far behind in terms of “point-in-time” pictures of Alzheimer’s disease and dementia. In the data, he would like to see if there are inconsistencies or lack of staffing specifically for memory care. Commissioner Peterson added that having that data would be good, but in order to capture it, we would have to go to each facility for the numbers because that information does not currently exist. Ms. Bailey added that memory care residents are counted in the DRPC satisfaction survey initiative information.

LeadingAge Feedback – Commissioner Peterson noted that Leading Age was expressing disagreement with some issues that are already in the statute and not part of the proposal (the definition of memory care to include TBI’s and resident service agreements). There could be some discussion about memory care facilities that are part of a SNF or ALF and one administrator serving for both. Also could consider this for DoNs, dietician, or others.

Commissioner Heiks commented that it is also important to take into consideration various populations in various settings regarding financial resources such as private pay verses Medicaid. She stated that she believes this makes a difference in terms of what money is available to cover some of these additional costs. Commissioner Dwyer agreed stating that dementia affects all populations, and social factors are also determinates. Commissioner Peterson agreed and added that the Commission will need to solicit feedback from the Delaware Division of Medicaid and Medical Assistance (DMMA) at some point.

Commissioner Marques commented that the constraints that would be incurred for a 10:00 a.m. to 7:00 p.m. timeframe for activities, as noted in LeadingAge’s feedback, appear restrictive to

residents who choose to participate in activities after the dinner hour regardless of anticipated attendance. Commissioner Peterson added that the language in the draft legislation is part of the process and believes that it is important for the Alzheimer's population to stay engaged as much as possible. She added that this is open for discussion and compromise where needed.

Alzheimer's Association, DE Valley Chapter – Commissioner Dwyer confirmed the concern of making sure the data and point-in-time reviews are up to date, align with the regulations, and agrees that the discussions should continue through the waiting period after receiving updated regulations.

Commissioner Peterson explained that in the past, DHCQ had a Chief Senior Social Services Administrator who was responsible for ensuring regulations continued to move forward. She added that she believes the position was removed during COVID; however, the position is being reconsidered under the new Director's leadership. Commissioner Peterson added that DHCQ is considering survey staff other than RNs.

Commissioner Heiks asked if other states require all surveyors to be RNs, and Commissioner Peterson responded stating, no, in some states not all surveyors need to be an RN; however, CMS does require that an RN be the team lead on surveys. DHCQ does have an ombudsperson and a medical social worker position for the survey team in addition to the environmental health specialists.

Due to time constraints, the feedback review was paused with three items reviewed (DHSS, LeadingAge, & Alzheimer's Association, DE Valley Chapter). DHCFA's feedback will be reviewed at the next scheduled Legislative/Advocacy Subcommittee meeting.

Commissioner Peterson made a motion that a response to each organization be made thanking them for their participation and providing comments to their feedback. The motion was seconded by Commissioner Marques. The motion carried.

#### 4. Old Business/New Business

Due to time constraints, old and new business items, as well as other subcommittee updates, were not able to be discussed but will be included during the next subcommittee meeting.

#### 5. Public Comment

None.

#### 6. Next Meeting

The next DRPC Legislative/Advocacy Subcommittee Meeting will be held on Friday, March 13, 2026, at 12:00 p.m. In-person and virtual attendance options will be available. Meeting information will be posted on the Delaware Public Meeting Calendar.

#### 7. Adjournment

The meeting was adjourned at 2:07 p.m.

Attachments: 2/13/2026 DRPC Leg/Advoc Subcommittee Meeting – agenda.  
1/16/2026 DRPC Leg/Advoc Subcommittee Meeting- minutes draft.  
Assisted Living Facilities draft legislation– Feedback from: LeadingAge,  
Delaware Health Care Facilities Assoc (DHCFA), DHSS & Alz Assoc, DE Valley  
Chapter.