

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION
Herman M. Holloway, Sr. Campus, Main Bldg., Room 301
1901 N. duPont Highway, New Castle, DE
Meeting of April 13, 2004

MINUTES

Commission Members Present: Patricia C. Engelhardt; Karen E. Gallagher; Vicki L. Givens; Joseph M. Letnaunchyn; Rep. Pamela S. Maier; Sen. Robert I. Marshall; Thelma G. Mayer; Thomas P. McGonigle, Esq. (Chairman); Brian L. Posey; Yrene E. Waldron.

Commission Member Absent: Dr. McKinley Wardlaw, Jr.

Others Present: Sandra Dole, President (Delaware Council of Activity Professionals); Tim Hoyle (Ombudsman LTC DSAAPD); Mary Rodger (Quality Insights of Delaware); Steve Tanzer (Senate Staff); June Valentine, Director (DE Assoc. of Homes & Services for Aging); Laura Waterland, Esq., Sr. Staff Attorney (Disabilities Law Program); Carol Ellis, Director; Katie McMillan, Deputy Director; Mitzi Murphy and Joan Reynolds, Staff Support (Division of Long Term Care Residents Protection)

1. Call to Order

Chairman McGonigle called the meeting to order at 10:09 a.m.

2. Approval of the Minutes of the March 9, 2004 Meeting

The minutes from March 9, 2004 were approved as written.

3. Discussion of:

- Senate Bill 119

This legislation gives special investigators in the Division of Long Term Care Residents Protection access to the FBI database for records checking. A previous request to the FBI was denied based on their conclusion that LTCRP investigators did not have necessary law enforcement authority to have access to this information. It has since been pointed out that the Division's special investigators have had law enforcement experience and training and should have the same powers as special investigators within the Division of Family Services. In response to that, legislation was drafted to allow Division special investigators access to critical information concerning the criminal histories of applicants for employment in long term care facilities. The House of Representatives passed S.B.119 and Governor Minner has signed it. Ms. Ellis stated that Chairman McGonigle, a member of the Criminal Justice Council, explained the necessity for S.B. 119 and it received the Council's support. Application will be made to the FBI with a revised version of the material previously sent.

- Senate Bill 189

Sen. Marshall said the genesis of S.B. 189 is that the Department of Justice found legal difficulty in proving and prosecuting a high management official who was aware of neglect but according to the criminal code was not culpable. The Commission has received comments on S.B. 189 from State Council for Persons with Disabilities; Delaware Developmental Disabilities Council and Governor's Advisory Council for Exceptional Citizens. This bill has been proposed and defeated 3 times. Questions discussed included what is this bill trying to accomplish that doesn't already exist in law. It was requested that discussion of the bill be tabled until the next meeting. . Mr. Letnaunchyn and Ms. Waldron as representatives of their respective associations, will speak with the Office of Attorney General in reference to S.B. 189. Chairman McGonigle representing the Commission, will set up a meeting with the Office of Attorney General to discuss specific questions about S.B. 189. Reports to the Commission will be made in the May 11 meeting.

- Staffing Report – U.S. Dept. of Health and Human Services
State Experiences with Minimum Nursing Staff Ratios for Nursing Facilities; Findings from Case Studies of Eight States -While in this report there is no analysis or data in terms of staffing levels' impact, it's helpful to see anecdotally what other states have done and their assessment of Delaware's experience. Some erroneous information was found in the Delaware section. It was decided that there was no need to make corrections or make a response.
- NHRQA Commission Goals For 2004, including Commission sub-committees - The goals sent to members are a modified version of those appearing in the Annual Report of April 15, 2003. The Commission will implement their goals during 2004-2005, anticipating that during the remainder of this year there will be several more months of discussion and clarification of goals.

Volunteering – The DNHRQA Commission is welcome to make a presentation of the work it is doing at the next Division of Aging training program. In an effort to increase the number of volunteers in facilities, the Commission needs to get a report on volunteering and what is being done now so it can decide if recommendations and changes are necessary. Volunteering in facilities is both informal and coordinated. Mr. Hoyle said that a comprehensive campaign to recruit volunteers, particularly those with advocacy experience, for facilities would be undertaken when the new manual is completed. The Chairman asked the Commission to have as a major agenda item the goal of volunteering. He asked staff to schedule a meeting with Mr. Hoyle to discuss the current volunteer information from the Division of Aging. Chairman McGonigle will invite Faithful Friends to present their program. Ms. Dole offered to share her training resources.

Organize visitations – The Chairman asked for a draft of a one-page form, not identifying the facility, with basic information so the Commission can benefit from the visiting experiences of members. He requested guidance with respect to the form in terms of not violating HIPAA. Ms. Roger said that it is necessary to be extremely clear, to narrow the focus of the visit and publish it so that facilities will not see it as a burden. Discussion followed on the lack of an agency advocacy for residents who live in the community instead of institutions.

Expand the scope of the Commission to look at all existing elder and disabled care services – A draft bill has been drafted to change the name and scope of DNHRQA. After a discussion of the draft bill, Commission members agreed to review the monitoring and enforcement of Eagle's Law as needed and make appropriate recommendations.

At the next meeting the Commission will plan to discuss only the goals.

4. Old Business/New Business - none

5. Public Comment - none

6. The next meeting will be held on Tuesday, May 11, 2004, at 10:00 A.M., at the Smyrna Rest Area Conference Room, Smyrna, Delaware.

7. Adjournment

The meeting was adjourned at 12 P.M.

Final Minutes approved August 10, 2004