

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Meeting of May 10, 2005

Smyrna Rest and Information Center

Conference Room

5500 N. DuPont Highway

Smyrna, Delaware

MINUTES

Commission Members Present: Patricia C. Engelhardt; Walter E. Ferris; Karen E. Gallagher; Joseph M. Letnaunchyn; Rep. Pamela S. Maier; Thomas P. McGonigle, Esq. (Chairman); Yrene E. Waldron; Dr. McKinley Wardlaw, Jr.

Commission Members Absent: Vicki L. Givens; Sen. Robert I. Marshall; Thelma G. Mayer; Brian L. Posey;

Others Present: Sandra Dole, President (Delaware Council of Activity Professionals); Sean Finnigan (Senate Staff); Tim Hoyle, Ombudsman; Social Service Administrator (DSAAPD); June Valentine, Executive Director (Delaware Association of Homes & Services for Aging); Laura Waterland, Esq. (Disabilities Law Program); Carol Ellis, Director; Mitzi Murphy and Joan Reynolds, Support Staff (Division of Long Term Care Residents Protection).

1. Call to Order.

The meeting was called to order at 10:15 AM.

2. Approval of the Minutes.

Minutes for April 12, 2005 were approved as written.

3. Presentation "Your Guide to Understanding Long-Term Care" by Tim Hoyle, DSAAPD, LTC Ombudsman Program (LTCOP)

Mr. Hoyle gave a copy of the LTC Ombudsman Annual Report for 2004. He listed several current activities of interest to the Commission: "The White House Conference on Aging", October 5, 2005, is an event that occurs every 10 years. All the States conduct individual conferences; the State of Delaware Conference will be held May 25, 2005. While attending a planning event for the White House Conference Mr. Hoyle said there are four resolutions being considered one of which would be of interest to this Commission, i.e. a proposal to have national staffing standards. Another national conference St. Louis Accord on Quality Initiatives, June 8-9, 2005, will bring all the principal key players to discuss implementation of quality initiatives in nursing homes. Mr. Hoyle is unable to attend so he proposed that LTCOP would be interested in funding a Commission member as a delegate to attend this event. Any Commission member interested in attending should contact Chairman McGonigle.

Discussion followed about advance directives. Mr. Hoyle said that since the Shivo case which was heavily covered in the media, there has been a great deal of interest in advance directives. LTCOP was inundated with calls over a 30-day period of time with advance directive questions. Volunteers helped with witnessing many advance directive requests. Mr. Hoyle said a Bill that was passed allows paramedics to acknowledge advance directives, however, it is imperative for licensed facilities to have the written advance directives. Mr. Letnaunchyn said a task force has been created to look at and evaluate the creation of a short form legal advance directives. Mr. Hoyle said when LTCOP is contacted to witness an advance directive signing they gauge the capacity of the individual signing, if someone clearly is unable to express a desire or does not have the capability, or does not understand their rights and their options in signing an advance directive, it will not be witnessed by a LTC Ombudsman. A doctor or health practitioner would be consulted about the individual's current state and if the resident has more lucid days another witnessing could be scheduled. Mr. Hoyle then reviewed the packet distributed by LTCOP listing options and information, a full guide for making decisions about long term care. The guide includes a DVD covering cost information, quality information, options of living in the community, assisted living and long term care facilities. Included this year is a postcard for feedback to determine if the guide is being used and to determine how valuable the guide is to consumers. The

guide is updated every year. Cost information contained in the packet is updated to September 2004. This material has also been put on VHS tape especially produced for libraries, and other care centers. This year 5000 guides were produced, 2000 went to local and veterans hospitals; 1000 to Medicaid offices; 1000 went to care-giver drop in centers, and 1000 were kept for requests by telephone. All the guide's material is presently on the DSAAPD.com web site. Ms. Waldron suggested that all libraries and senior center have the video available and have a lending program. There was a discussion about creating a market for the information presented in How to Select Long Term Care. It was questioned if there could be Medicaid funding to produce more copies for distribution. If Mr. Hoyle could meet the potential demand for this information in the next 5 years it would be a large sum, \$35,000 - \$45,000 to reproduce the material presented. Ms. Waldron suggested to reach the masses it would be valuable information to present in each county on a schedule at appropriate times for seniors and working family members. Chairman McGonigle moved that he will draft a letter to members of the General Assembly Joint Finance Committee and the Chairs of Health and Social Services Committee and Secretary Meconi in support of additional monies for copies of the material presented by Mr. Hoyle. The draft letter will be distributed by e-mail to members for review and comments, after which it will be sent to the appropriate persons.

4. Discussion of

NHRQA Commission Subcommittee Reports:

- | | |
|---------------------------------------|-------------------------------------|
| ○ Agency Review Subcommittee | Chair, Tom McGonigle |
| ○ Legislative/Regulatory Subcommittee | Chair, Sen. Marshall |
| ○ Quality Initiatives Subcommittee | Chairs, Pat Engelhardt, Brian Posey |

Chairman McGonigle stated more work needs to be done by subcommittees. He asked from what agencies Commission members want to have reports. The Agency Review Subcommittee will plan to get information on a selected agency and report its findings back to the Commission.

Ms. Waldron will contact Paul Omrod, CPA, to speak on cost reporting for Medicaid reimbursement to be presented at the June 14 Commission meeting

Discussion of HB 167 followed. This is a bill to amend Chapter 85, Title 11 of the Delaware Code relating to the Adult Abuse Registry checks. This Act broadens the definitions of abuse and neglect used by Delaware's Adult Abuse Registry to include acts of abuse and neglect committed against *all* infirm adults, regardless of whether they are patients or residents of a licensed facility. The existing statute does not cover infirm adults who are not residents of such facilities. The amendment will include infirm adults who live in the community in the private sector.

A suggested change for the draft position paper from the Quality Initiative Subcommittee was agreed upon. Instead of adding the word "continuum" in the definition of "Culture Change" add a list of the many different settings of care being provided for long-term care patients and residents.

5. Old Business/New Business

Out of state administrators are contacted by Delaware Health Care Facilities Association (DHCFA) to discuss Delaware laws, regulations and other salient factors pertinent to Delaware. The DHCFA Board is discussing having an orientation class for new, out-of-state nursing home administrators.

The Commission brochures, "Introduction to the DNHRQA Commission" and "Visiting Long Term Care Facilities" are current and available to members upon request. Copies will be available and given to members at the next Commission meeting.

Ms. Engelhardt reported that she attended the National Citizens' Coalition for Nursing Home Reform (NCCNHR) meeting and contributed to the propositions that will be taken to the White House. Ms. Engelhardt noted Resident Council by law is to be conducted by the residents. However, many Resident Councils are run by staff.

Ms. Waldron reported that National Nursing Home Week starts on May 8 through May 14, 2005

Ms. Valentine reported The Milton and Hattie Katz Home received special recognition for overall improvement in quality indicators and Capitol Health, Dover for their program in their dining room and for reduction of injuries to employees.

The DNHRQA Commission annual report for 2003-2004 will be discussed at the next meeting. The assignments for report writing will be decided at that meeting.

6. Public Comment

7. The next meeting will be June 14, 2005 at 10:00 AM. The location will be the DHSS Campus, Main Building, Room 301

8. Adjournment

The meeting was adjourned at 12:06 PM

FINAL MINUTES - The May 10, 2005 Minutes were approved as written.