

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Herman M. Holloway, Sr. Campus – Room 198

1901 N. DuPont Highway, New Castle, DE

FINAL

Meeting of August 14, 2007

MINUTES

Commission Members Present: Karen E. Gallagher; Rep. Pamela S. Maier; Brian L. Posey; Yrene E. Waldron; Wayne A. Smith; Patricia C. Engelhardt; Walter E. Ferris; Vicki L. Givens.

Commission Members Absent: Dr. McKinley Wardlaw, Jr; Thomas P. McGonigle, Esq. (Chairman); Senator Robert I. Marshall.

Others Present: Margaret E. Bailey; Tom Murray, Deputy Director of DLTCRP; Candace Brothers, Aid to Ms. Gallagher; Jay Lynch, Communications Director of DHSS; Harry Hill, Director of DMMA; Lisa Zimmerman, DMMA; Marie Nonnemaker, DMMA; Victor Orija, Ombudsman; John Miller, AG Medicaid Fraud Unit.

1. Call to Order:

The meeting was called to order at 10:04 AM by Co-Chair(s) Wayne Smith and Rep. Maier.

2. Discussion:

- Quality Assurance Review Team Report

Tom Murray provided commission members with a copy of the quarterly report during March-June 2007. Surveys were completed at 23 facilities by investigators from the Division of Long Term Care Residents Protection. QART reviewed the survey results and determined that one facility receive a change in a "G level" deficiency. The original citation was for failure to provide necessary care and was listed as a general care tag. The QART committee requested that the surveyor move the tag to one that would specifically address the lack of care provided.

Mr. Murray handed out a Scope and Severity Grid to commission members. The grid explains how the scope and severity is determined. Several commission members thanked Mr. Murray for preparing the chart.

Ms. Waldron asked Mr. Murray if survey findings vary depending on a surveyor's experience, knowledge of regulations, etc. Mr. Murray explained that surveyors are assigned specific tasks and are responsible for recommending citations in specific areas for which they are assigned. He further explained that a team meeting occurs before any results are verbally presented to facilities administration. The team members individually prepare written documentation to support any "F Tag" recommendation. All recommended citations are incorporated into a report and submitted to QART for review. QART then reviews the recommendations and decides whether the tag is appropriately justified.

3. The June 12, 2007 meeting minutes were approved without changes to the draft.

4. Old Business/New Business:

- DNHRQAC Website Recommendations

There was a working session on June 12, 2007. Ms. Bailey mentioned that commission members and Mr. Lynch met at the Child Support Enforcement Site on Churchman's Road to explore whether other state websites display nursing home and assisted living facility information. The purpose of the working session was to determine what other state websites contain and determine whether the Commission should make a

recommendation to create a user friendly State website for nursing homes and assisted living annual survey results.

Ms. Bailey provided a draft letter to Secretary Meconi that outlined the working session findings. The letter asked Secretary Meconi's assistance in developing a website and provide a dedicated staff member to maintain the site. Mr. Smith asked if a cost estimate was performed on developing a website. Ms. Bailey mentioned that several ideas were discussed; however the total costs associated with the website recommendation had not been determined.

Ms. Bailey further stated that the State of Delaware is requesting 2009 budget submissions. The Commission's budget is maintained by the Administrative Office of the Court. The Judicial Information Center is AOC's Technology Department. JIC would need to be involved with creating the website, should expense or staff come from DNHRQAC.

Ms. Waldron mentioned she recently met with other State executives to discuss published survey result findings for nursing home and assisted living facilities. She further stated that most states are looking to do away with duplicating the CMS website because of issues surrounding inaccuracies and timeliness. Ms. Waldron informed the Commission that CMS will soon have 2567's and POC's available electronically. Many States that have websites duplicating CMS federal survey results to do away with duplicating the information on their websites. In the future, these states will focus their websites on State survey findings.

Mr. Posey mentioned that the Commission reviewed two different types of websites during the June 12, 2007 DNHRQAC working session. The first scenario, other state websites attempted to give nursing homes and assisted living facilities a report card. Mr. Posey agreed that loose interpretation and a margin for error is problematic with a report card format. The second scenario, simply reports what is perceived to be the data sent to Medicare. He further explained that deficiencies were not labeled exclusively by level; the deficiencies were defined by level and definition both (food handling situation and bed changing issue).

Mr. Posey mentioned that Nursing Home Compare does not provide this level of information on their website and that site is not user friendly. He further provided an example of a deficiency noted during the working session where it appeared US mail was not delivered on a Saturday. The deficiency range was too broad and it appeared that a serious health issue occurred, instead of mail not being delivered on a Saturday. He surmised that a further explanation of the deficiency would provide families with a clearer idea of the citation.

Ms. Waldron stated that families can access survey results at all facilities or can call DLTCRP to request a copy.

Mr. Lynch suggested DLTCRP, DNHRQAC and DSAAPD review their prospective websites to see what information could be updated and it would not cost anything. The three State websites are not connected to each other even though they work in tandem. Ms. Waldron suggested that all three State websites be housed under one umbrella to a centralized location. Rep. Maier proposed that the letter to Secretary Meconi include the recommendation to centralize DLTCRP, DNHRQAC and DSAAPD's websites under one umbrella.

Ms. Engelhardt asked if any of the three websites list quality of care information. Mr. Lynch mentioned that all three websites contain information, but do not list quality of care measurements. Ms. Waldron suggested that Ms. Rodger, Quality Insights, be invited to attend the next Commission meeting. She further mentioned that Quality Insights is an agency hired by CMS to improve outcomes in facilities which should be included on this website discussion.

Ms. Waldron stated that families should visit/tour facilities and observe the delivery of care by observing facility staff. Ms. Givens agreed that in order for a family to make a decision where their loved one should live, the family needs to physically go to the facility to see if it meets their needs. Mr. Posey concurred and stated that many families face a short window of opportunity in visiting homes because their loved one is being quickly discharged. He felt that a family would greatly benefit having access to nursing home information on the internet and could view information at a suitable time.

Mr. Smith asked if external websites of the various providers could be linked. Mr. Lynch stated that the State of Delaware can link to CMS's website. The reports, however, are in a searchable database. Ms. Waldron stated that not all nursing homes have their own individual website.

Mr. Smith requested an invitation for Ms. Rodger, Quality Insights, to attend the next commission meeting and continue the discussion on the quality portion of a website. The Commission voted and approved the motion. Rep. Maier's recommendation to Secretary Meconi proposing that the three State websites are housed under one umbrella was voted and seconded also.

Rep. Maier suggested that Secretary Meconi be emailed with the recommendation. In addition, Mr. Lynch, Ms. Carol McMannus and DNHRQAC Members will be carbon copied.

- DNHRQAC By-Laws

The Commission reviewed the proposed changes to DNHRQAC's By-Laws. Ms. Engelhardt mentioned that it was visually hard to see what changes were made to the original by-laws. Ms. Bailey will forward the original by-laws to commission members and note any proposed changes in a highlighted/crossed-out format. Mr. Smith suggested a change on page 4 of the by-laws to reflect that commission staff will be funded through the annual State budgetary process shall be utilized by the Commission and the Attorney General's Office shall provide legal advice.

Mr. Smith suggested that Chairman McGonigle contact the Attorney General's Office to invite the AG representative to a future commission meeting. He also recommended that the appointed AG representative review the DNHRQAC By-Laws and 2006 DNHRQAC Annual Report before distribution.

- DNHRQAC 2006 Annual Report

The Commission reviewed the proposed 2006 DNHRQAC Annual Report. It was decided that Ms. Bailey would email agencies their subsection of the report and request any changes be returned before September 5, 2007. The Commission will vote on the changes after September 5, 2007 to finalize the report and make it available on DNHRQAC's website.

Ms. Waldron suggested that agency reports presented to the Commission be also reflected in the 2006 Annual Report.

Mr. Smith requested that future DNHRQAC Annual Reports follow the fiscal year. The Commission voted to have the next annual report contains DNHRQAC results January 1, 2007 through June 30, 2008. In addition, each subsequent annual report will reflect activity during a fiscal year. The motion was seconded.

- Commission Member Guidelines

A document was distributed to commission members outlining expectations charged for DNHRQAC and its members. The purpose was to provide guidance to future commission members and refresh existing members about their role.

Ms. Waldron suggested that the AG's Office review the member guideline document to make sure it is within statutory authority and by-laws compliant.

Ms. Bailey has been in contact with the Governor's Office regarding the vacant and held over DNHRQAC positions. The Governor will review DNHRQAC memberships the beginning of October 2007. The vacant Commission seat is for an individual who lives within the City of Wilmington and is either a Democrat or Republican.

- 2009 Budget

The State is in the process of reviewing the 2009 budget. Ms. Bailey was recently contacted by AOC to discuss with the Commission the 2009 budget and present recommendations to AOC by September 15, 2007. Ms. Bailey distributed a rough draft of items the Commission may want to consider incorporating in the 2009 State budget request.

A Budget Committee consisting of Ms. Waldron, Mr. Smith and Mr. Ferris will form to discuss the 2009 budget. The Commission voted on accepting Ms. Waldron, Mr. Smith and Mr. Ferris to work with Ms. Bailey to prepare the 2009 budget request to AOC before September 15, 2007. The motion was seconded.

- Office Location

DNHRQAC's Administrative staff's office is presently located at 900 N. King Street in Wilmington. Exceptional Care for Children and Emily Bissell offered office space to DNHRQAC at their facilities. The Commission voted to relocate the staff's office to Emily Bissell. The motion was seconded.

5. Public Comment:

- Attorney General Office

Mr. Miller, Chief Investigator in the Medicaid Fraud Control Unit in the Office of the Attorney General, attended the meeting. He mentioned that the Green Valley Pavilion civil case has mostly settled.

Ms. Waldron mentioned that the Medicaid Fraud Control Unit provides a preventive abuse program for facilities. Mr. Miller explained that the program is held at facilities to train staff in what to look for regarding signs of abuse, neglect, and financial exploitation of an infirmed adult. The Fraud Unit facilitates training by invitation only. The unit has trained every police officer in the State since 1998.

Ms. Waldron asked Mr. Miller if the AG's Office was aware of an incident where a police officer responded to a 911 call from a facility and performed CPR on a resident. It was unclear whether the resident had a DNR or not and she asked what direction police officers are given during training to handle a resuscitation situation in a private facility. Mr. Ferris stated that he has never received a call to respond to a long term care facility in his service years with the Wilmington Police. Mr. Smith suggested that this type of question would be best addressed by the civil area of the AG's office.

- Ombudsman's Office

Mr. Orija, Ombudsman's Office, provided an update regarding the Advancing Excellence Program. In Delaware, the goal of 50% has been surpassed. The number of participating facilities totals 55 percent. The website can be accessed at: www.nhrq.com. Goals are set to produce certain quality outcomes.

Mr. Orija distributed copies of Delaware Cares- 2006 Ombudsman's Office Annual Report to the Commission.

Mr. Orija advised commission members that Residents Rights Rally Day will be held on October 11, 2007 in Dover. The location is at the Sheraton and will be held 1:00-3:00 PM. The Ombudsman's Office will send DNHRQAC invitations. Last year, there were more than 250 residents present at the event. Individuals can contact Mr. Orija at: (302)255-9377 with any questions.

- Teleconference Meeting Participation

Ms. Gallagher asked if the Commission could review the By-Laws to see if DNHRQAC members are able to attend meetings by teleconference. Mr. Smith suggested that the DNHRQAC By-Laws reflect that the commission chair be able to permit participation via conference call. Ms. Engelhardt asked if a physical quorum would need to be present. Mr. Smith charged Ms. Bailey to contact the AG's office to see if a DNHRQAC Member can vote as a teleconference participant.

- Division of Medicaid and Medical Assistance

Mr. Hill, Medicaid Director, spoke about Medicaid fraud. The Division has four new positions approved in the budget to expand their Medicaid Integrity Unit. The Division will forward their organizational chart to DNHRQAC. The Division is expecting to fill the four positions by the end of October 2007.

6. Next meeting will be Tuesday, September 11, 2007, at 10:00 AM. The location will be DHSS Campus, Main Building, Room 198.

7. Adjournment:

The meeting was adjourned at 11:23 AM.

FINAL MINUTES - The June 12, 2007, minutes were approved without changes to the draft.
QART Report
Scope and Severity Grid
Delaware Cares-2006 LTC Ombudsman's Office Annual Report