
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE
COMMISSION

Herman Holloway Senior Campus
Main Bldg, Room 198
1901 N. DuPont Highway
New Castle, Delaware 19720

Final
Meeting of September 9, 2008
Minutes

Commission Members Present: Brian L. Posey, Chairman; Yrene E. Waldron; Wayne A. Smith; Vicki L. Givens; Karen E. Gallagher; Patricia C. Engelhardt; Holly Rolt; and Joe DiPinto.

Commission Member Absent: M/Sgt Walter Ferris; Representative Pamela S. Maier; Senator Robert I. Marshall; and Lisa Furber.

Others present: Margaret Bailey; Margareta Dorey, Quality Insights of Delaware; Debbie Allen, Aid to Ms. Gallagher; Lisa Zimmerman, Chief of Operations DMMA; Rosanne Mahaney, Deputy Director of DMMA; Jay Lynch, Communications Director DHSS; Eileen Hynes, DON for Brandywine Assisted Living at Seaside; Hansella Cannon, DSAAPD; Victor Orija, State Ombudsman; Robin Williams-Bruner, Office of Public Guardian; and Pete Feliceangeli, DOJ.

1. Call to order

The meeting was called to order at 9:10 AM by Brian Posey, newly appointed DNHRQAC Chairman. Mr. Posey extended a thank you to the former DNHRQAC Chair, Tom McGonigle for his many years of service as Chair. A special thank you was also extended to Representative Pamela Maier, who served many years on the Commission and was instrumental in addressing healthcare changes in Legislation.

Chairman Posey welcomed Holly Rolt and Pete Feliceangeli to the Commission. Ms. Rolt was appointed by the Governor last week to serve as a Commission member. Mr. Feliceangeli, Department of Justice, is a Deputy Attorney General who was assigned recently to represent the Commission. Lisa Furber, also recently appointed as a Commission member, was not able to attend this meeting.

2. Approval of the Minutes of the meeting of:

July 8, 2008 meeting minutes were approved without changes.

3. Discussion of:

Quality Insights of Delaware- Margareta Dorey

Margaretta Dorey distributed a packet of information to Commission members outlining Quality Insights of Delaware's 9th Scope of Work (SOW). The plan is in effect through July 31, 2011.

Ms. Dorey informed meeting participants that QI of DE is comprised of the following states: Delaware, Pennsylvania, West Virginia, and North Carolina. As a result of 40-50% funding cuts and a reduction in staffing, QI of DE implemented a tri-state plan that includes an 18 month performance measurement evaluation.

In the 9th Scope of Work, Quality Insights will collaborate with hospitals and nursing homes to address areas of patient harm for which there is evidence of improving safety and by improving health care processes and systems. Through the collaboration of State hospitals and nursing homes they can be joined together to achieve a common goal – the improved health, well-being and safety of their patients.

Ms. Dorey stated that QI's patient safety activities to begin September 2008 will focus on the following areas:

- Reducing the incidence of MRSA infections (all 5 Delaware hospitals)
- Reducing incidences of pressure ulcers in hospitals and nursing homes (Hillside and Riverside)
- Reducing the incidence of physical restraints in nursing homes (DPC-Carvel asked for exemption since 0% of falls were reported last fall)
- Improving inpatient surgical safety and heart failure treatment in hospitals (Nanticoke and Beebe)
- Improving drug safety (drug on drug interaction and prescribing error reductions)
- Providing quality improvement technical assistance to nursing homes in need (Delmar Nursing Home and Rehabilitation)

Mr. Posey asked how the changes in the 8th SOW versus 9th SOW have impacted Quality Insights. Ms. Dorey shared that the 18 month evaluation is new. There wasn't a previous risk of losing a contract, should QIO not complete the work they were hired to do. Funds have been cut, projects have been re-arranged and staff has been reduced since the last contract period. QI of DE is looking at efficiencies associated with budget cuts and have implemented a tri-state plan (PA, W VA and DE offices) for the new three year contract.

Ms. Dorey offered that Mary Rodger will be returning to Quality Insights of DE in the capacity of managing the nursing homes involved with the 9th SOW. There was a great response from the meeting participants regarding the return of Mary Rodger to QI of DE. Ms. Dorey will be overseeing the patient safety project in the hospitals.

Office of the Public Guardian- Robin Williams-Bruner

Ms. Williams-Bruner provided the Commission with a copy of a report from the University of Kentucky which conducted a national study of public guardian programs in which Delaware participated. The report contained phase one- data collection and phase two- site study. She offered that Representative Maier was interviewed in the site study.

The report distributed was published a few months ago and will be presented soon at the National Guardianship Association Conference.

Guardianship is a relationship, created by the Court of Chancery, in which an individual or agent is appointed on behalf of another individual to manage that person or property. The individual has to be deemed incapacitated and in most cases, the process of having a guardian appointed begins by the submission of a physician's affidavit to the Court of Chancery. The formula often used to determine incapacity includes: a person with a disability that does not have the ability to manage their own affairs as a result of the disability. In addition, there needs to be a risk factor for the individual.

The Public Guardian (commonly referred to as the guardian of last resort) is a State Official appointed by the Court of Chancery, when it's been deemed that nobody else is able or willing to serve in making decisions regarding the person or their property.

Ms. Williams-Bruner offered that there has been an increase in referrals for public guardian services particularly for individuals with medical/physical complications resulting from substance abuse. In addition, there has been an increase in referrals for young adults with disabilities that are aging out of family services.

Presently, there are 236 active cases in which the Office of the Public Guardian serves state-wide. Since the inception of the office, OPG has been involved with an excess of 1,300 guardianships.

All of the public guardian case managers within Delaware's OPG are certified and registered agents. There are also fee for service guardianship agencies in Delaware, and only one of those agencies has a registered public guardian.

Ms. Williams-Bruner spoke about a few "wish list items" the OPG feels would improve services to the growing number of clients. The items included:

- Nurse Case Manager
- Data Management System
- Statue Support Enhancement
- Protocols and Standards
- Legislative Review
- Advanced Directives education/awareness

Ms. Rolt asked who should an individual contact if a public guardian was appointed; the individual recovered, and therefore would like to remove the guardianship to make his/her own financial or medical decisions. Ms. Williams-Bruner stated that if the individual is no longer incapacitated, a physician's affidavit should be submitted to the Court of Chancery for review.

A public guardian is required to submit status information regarding cases every six months to the Court of Chancery. The Court of Chancery has created a liaison position between the court and public guardians regarding case management.

Guardianship is not permanent, it is temporary.

Ms. Rolt asked what factors the Court of Chancery uses to determine whether an individual qualifies for public or fee based services. Ms. Williams- Bruner stated that whoever completes that application for the petitioner lists which agency they recommend to be appointed as the guardian over the person or property. The Attorney Ad Litem's role is another opportunity that should be explored in changing the current public guardian process.

Ms. Williams-Bruner mentioned that the agency could benefit by having a full-time attorney. Presently the AG's Office assigned a DAG to represent the Office of the Public Guardian. The individual also represents several other State agencies. It would be beneficial for a full-time attorney to be hired and review the cases. Mr. Smith suggested that the OPG discuss with the Court of Chancery the opportunity of assigning a Magistrate to expedite the processing of guardian cases under review.

The Commission will check into the above to see what assistance can be provided.

DNHRQAC Memberships- Brian Posey

Mr. Posey shared that two individuals have been recently appointed by the Governor's Office to fill the vacant commission seats. Lisa Furber has been newly appointed and is demographically located in Kent County and Holly Rolt, also recently appointed, resides in Sussex County.

In addition, three members have been recently re-appointed for a three year term by the Governor's Office. The re-appointed members are: Pat Engelhardt, Karen Gallagher and Vicki Givens.

Pete Feliceangeli was recently assigned as the Deputy Attorney General to the Commission.

Civil Monetary Penalty Report

A copy of the Civil Monetary Report was prepared by the DLTCRP and distributed to Commission members. Although the Division was not able to attend the DNHRQAC meeting, any questions regarding the report will be addressed by the Division in the near future.

4. Old Business/New Business:

Meeting Frequency

The Commission members discussed whether the current by-monthly meetings should be modified. The meetings will remain by-monthly unless an issue warrants additional meetings. All members are strongly encouraged to attend and commit to the by-monthly meeting schedule. Ms. Bailey will provide the 2009 meeting schedule to all members shortly. The schedule will also be available on the website: <http://courts.delaware.gov/AOC/?dnhrqac.htm>.

There was discussion as to the DNHRQAC meeting start time. The Commission members agreed to change the meeting time to now reflect 9:30 AM -12:30 PM.

There was also discussion about whether attendance and voting rights via teleconference was available during DNHRQAC meetings. Mr. Feliceangeli will research the subject and provide feedback. Commission members were provided with the current by-laws that discusses teleconference on page 3.

2007-08 Annual Report- DNHRQAC Members

The 2007-08 DNHRQAC Annual Report was voted upon and approved with a change submitted by Ms. Waldron. Ms. Bailey will incorporate the change and distribute the report. The report also appears on the Commissions website: <http://courts.delaware.gov/AOC/?dnhrqac.htm>.

DNHRQAC Sub-Committee's

The Commission voted and approved in creating a personnel subcommittee. The committee will consist of: Brian Posey, Wayne Smith, Pat Engelhardt and Vicki Givens.

DART Para Transit

The Commission will send a letter to Stephen Kingsberry requesting support from his office in having DART Para Transit Representatives attend a future DNHRQAC meeting.

5. Public Comment

Victor Orija, the State Ombudsman, shared that the Resident's Pep Rally will be held on October 1, 2008 at the Dover Sheraton 1:00-3:00 PM.

Mr. Orija further shared that facility residents were asked to submit "recipes for a good home" to Jay Lynch, DHSS Communications Director, by September 15, 2008.

Ms. Waldron shared that National Assisted Living Week is September 7-13, 2008.

Jay Lynch shared with the Commission that DHSS's home page has added a link to reflect Nursing Home Compare provided by the Center for Medicare & Medicaid Services (CMS).

Information from the Delaware Division of Substance and Mental Health Training Office was distributed to Commission Member regarding the Dementia CARES program. Please contact Dana Wise at (302)255-9480 x54502 for further information.

6. Next meeting will be **Tuesday, November 18, 2008** at 9:30 AM. The location:
Herman Holloway Main Campus Room 198
1901 N. Dupont Highway New Castle, DE 19720
7. Adjournment

The meeting was adjourned at 11:42 AM. by Chairman, Brian Posey.

The Agenda items as listed may not be considered in sequence. This Agenda is subject to change and may include additional items, such as Executive Sessions, or deletion of items.