

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Herman M. Holloway, Sr. Campus – Room 198
1901 N. DuPont Highway, New Castle, DE

FINAL

Meeting of September 11, 2007

MINUTES

Commission Members Present: Karen E. Gallagher; Rep. Pamela S. Maier; Brian L. Posey; Yrene E. Waldron; Patricia C. Engelhardt; Walter E. Ferris; Vicki L. Givens; Dr. McKinley Wardlaw, Jr; Thomas P. McGonigle, Esq. (Chairman); Senator Robert I. Marshall.

Commission Member Absent: Wayne A. Smith.

Others Present: Margaret Bailey; Tom Murray, DLTCRP; Rob Smith, DLTCRP; Candace Brothers, Aid to Ms. Gallagher; Harry Hill, DMMA; Lisa Zimmerman, DMMA; Victor Orija, State Ombudsman; Mary Rodger, Quality Insights of Delaware; Amanda Lewis, Quality Insights of Delaware; Michael Duva, Delaware Healthcare Association; Sean Finnigan, Senator Marshall's Office.

1. Call to Order:

The meeting was called to order at 10:02 AM by Chairman Thomas P. McGonigle.

2. Meeting Minutes

The August 14, 2007 meeting minutes were approved without changes to the draft.

3. Discussion:

- Staffing Summary Report

Rob Smith provided commission members with a copy of the Staffing Summary Report. The report reflects that all facilities were above compliance with Eagle's Law. The first page of the report shows nurse to patient ratio. Page two reflects CNA to patient ratio. Page three shows number of hours of patient care each resident received per day. The accumulative hours of resident care per day is presently 4.01. In February 2007, the ppd was 3.86. Mr. McGonigle asked what contributed for the increase in resident care per day. Mr. Smith will provide further information at next month's commission meeting.

Senator Marshall recommended that Rob Smith and Dan Miller (DOJ) be invited to attend October 9, 2007 DNHRQAC meeting to discuss Senate Bill 175. Ms. Bailey will extend the invitation to both parties.

Mr. McGonigle summarized that Senate Bill 175 involves staffing issues and suggested changes. He asks that the commission members receive Senate Bill 175 prior to the October 9, 2007 meeting. In addition, he requests that Mr. Smith and Mr. Miller submit preliminary thoughts they have regarding the bill to the Commission.

- State Website Recommendations-Mary Rodger, Quality Insights

McGonigle asked Ms. Bailey to provide attendees with background information regarding the website recommendations. Ms. Bailey mentioned that the Commission met July 10, 2007 as a Working Session with Jay Lynch. The purpose was to view other State websites in terms of what quality of care measurements are

available to the public and what the Commission may recommend for the State to develop for Delaware's nursing home facilities.

A draft letter to Secretary Meconi was prepared and handed out for discussion. August 14, 2007 commission members requested an invitation to be extended to Ms. Rodger, Quality Insights of Delaware, to provide QI recommendations. A list of questions prepared by commission members were forwarded to Ms. Rodger prior to this meeting for discussion.

The initial recommendation asked that DNHRQAC, DLTCRP and Ombudsman's Office websites be moved under one umbrella to create a one stop shop for families looking for nursing home/assisted living information in Delaware. The letter has not been forwarded to Secretary Meconi's Office at this time.

Mr. Posey added that previous discussions occurred as to what the website effort should be at this point. A comprehensive approach was explored; specific to Delaware to include the same data that appears on Medicaid.gov interpreted in a different way, therefore aiding one in understanding inspection results. He further mentioned that until the process was explored further, the immediate remedy was to create a website umbrella to access current information available. The second phase was determine what additional information should be included on a State website that does not appear at present; whatever that might be and the costs associated with providing the information to Consumers.

Ms. Rodger stated that she did not come to inform the Commission what could or could not be included on a website, but rather recommend quality indicators a State website could or would provide reliable and useful to the Consumer in a friendly manner.

Quality Insights of Delaware is a non-profit healthcare improvement organization that participates in a federal program called the Quality Improvement Organization. Each provider in the United States to include: doctor offices, hospitals, home health agencies, and nursing homes have a contract with the government to bring CMS Quality Improvement national objectives down to the actual provider level. Quality Insights of Delaware, to include Ms. Rodger, Ms. Lewis and other colleagues, work with 33 out of 45 Delaware nursing home providers who voluntarily participate to promote quality improvement within their homes. The promoting includes: State-Wide workshops; formation of partnerships to attend/assist this Commission; and partnering with the Delaware HealthCare Facilities Association, Division of the Long Term Care Residents Protection Association, and Alzheimer's Association.

Quality Insights ultimate customer is the resident. QI of Delaware is federally funded through a contract with Medicare and evaluated every three years to determine if benchmarks have been met.

Ms. Rodger mentioned that the Division is the branch of survey and certification and QI is the branch of quality improvement.

Handouts were provided to commission members that contained other States website information that Delaware may/may not model itself after. It would depend on what Delaware would like to provide on a website as to the costs to create and maintain.

Rhode Island has a State mandate for all healthcare facilities to publicly report. RI has a department of performance review that is funded by their State government. Ms. Rodger mentioned that RI is a leader in performance and therefore she expanded on what quality measurements they utilize on the website. There are

three primary indicators of quality presently measurable in a nursing home. The measurements include: State Survey Information, Clinical Measures and Resident/Family Satisfaction Survey Results.

Ms. Rodger observed that some other State websites simply scanned annual survey results, which she found not useful. Some of the States disclaimers stated that survey reports were technical and difficult for a lay person to understand. Many of the States created a rating system such as: a matrix system, five-star system or 0-100 point system. The points were assigned by a validated scoring system.

Rhode Island, New Jersey, and Arizona have transferred the State survey information into a numerical or a star/diamond system. Independent companies were hired to validate the information.

Ms. Rodger mentioned that Rhode Island and Minnesota are two websites that contain everything, like shopping at Bloomingdales. She has information on funding and mentioned that there are grants available to do this kind of work, therefore not reinventing the wheel.

Mr. McGonigle asked who would be responsible for determining the formula for a rating system. Ms. Rodger mentioned that it would be developed as an independent reliable formula and offered an example. One State passed a law which they assigned points to each "F Tag" covered in a survey. As the points were added up, a formula was also factored in regarding scope and severity. The formula was a simple computation of the surveyor's findings during the annual review.

Mr. McGonigle asked who determined the formula in Rhode Island. Ms. Waldron believed that a partnership of stakeholders gathered to develop the formula. Ms. Rodger stated that Rhode Island used a diamond rating system. She furthered that the formula was developed by two Quality Initiative Organizations, Rhode Island HealthCare Facilities Association; the Department of Health and Human Services and also used two QI organizations (another State advanced and independent research firm, both). Ms. Waldron added that the diamond rating system was completed for every sector in the continuum.

Ms. Rodger mentioned that in addition to survey/complaint results, the other two recognized practical ways of giving the Consumer information about quality use the QI/QM available through Nursing Home Compare. The third source of information comes from Resident/Family Satisfaction Reports.

Ms. Rodger informed the Commission that the QI/QM's are information that is readily available and allows regulatory agencies to gather consistent, reliable and valid data from all nursing homes across the country for all residents. Currently, MDS and OSCAR data are the two recognized data sources that are used. She further stated that the surveyors use OSCAR data to convey their survey finding results. Every resident in the United States in a nursing home is in the MDS System. The MDS System generates reports called the QI/QM Report. There are a group of indicators that scientists, clinicians, physicians and researchers have decided are quality indicators. An example would be in reviewing the percentage of residents who developed bed sores. We know they are preventable and that it is considered in most cases, an avoidable problem. The number of residents that fall and percentage of those who receive a fracture as a result of a fall is another example of an indicator. The numbers are entered into the MDS System and a resulted number is produced in the QI/QM Report. Every nursing home, Quality Insights and the Division have access to the reports as finite as individual resident data.

Senator Marshall asked how often Rhode Island updates their website. Ms. Rodger stated it is updated monthly, however includes a disclaimer regarding accuracy.

Ms. Rodger discussed five weaknesses of reviewed websites: difficulty following scope and severity matrixes; state reports are essentially impossible for non-nursing professionals to decipher; presentation of outdated information, complex and oriented for the nursing home professional not the Consumer; limited search ability available when looking for a home that provides particular services; and potential need for Adobe Reader downloads and consumer assistance with opening pdf. files.

Ms. Rodger encouraged the Commission to hold a focus group or mini survey for residents/family members to offer input as to what the Consumer really wants on a website.

Ms. Rodger concluded that after reviewing 19 State websites, she supports and recommends that OSCAR (survey and certification information) and MDS (resident level information) be included. They both offer the most standardized nursing home measurements across the nation to generate quality measure reports. The manner in which the information is formulated and presented is up to the developer, but using the data is essential. An effective nursing home reporting system should also provide demographic information to include: cost, location, services as well as overall quality in a format that allows a Consumer to understand the information to compare nursing homes.

Ms. Rodger had six suggestions:

1. Include a link to CMS "Guide to Choosing a Nursing Home" interview a home.
2. Offer a consumer guide for topics families may want to consider and a nursing home check list.
3. Provide background information regarding services that are offered.
- 4 List the survey process and explain it.
5. Link additional resources (Ombudsman's Office, how to file a complaint, receive a copy of a complaint, Nursing Home Compare for national results).
6. Include all three: survey results, QI/QM and residents/family satisfaction results for a complete assessment.

Ms. Waldron mentioned that Delaware Healthcare Facilities Association can provide satisfaction results. My Interview creates, compiles and collects survey results nationally. She will provide commission members with a copy of the next resident/family satisfaction survey results.

Ms. Waldron stated the Center for Medicare and Medicaid Services is moving towards a quality outcome based on performance system.

Senator Marshall asked whether the Commission could send representation to Rhode Island to see first hand their website. Ms. Waldron mentioned that she has a State executive who could possibly bring a QI colleague to Delaware to discuss their website.

Mr. McGonigle suggests the letter to Secretary Meconi be revised to reflect today's website discussion since the new recommendations should be reflected in the letter and sent to all effected parties. Ms. Waldron added that costs to create and maintain website information should also be explored.

Mr. Posey wanted to circle back to previous conversations that members had regarding other website discussions. An example he posed was that a nursing home received a deficiency for not having mail delivered on a Saturday. Mr. Posey clicked on the citation listed on the other State website that provided the deficiency reason. The previous website discussion asked DLTCRP to have electronic survey results available on the website instead someone re-writing each deficiency. He would like access to the original documents be a part of the Commission's website recommendations. Ms. Waldron mentioned that access to original documents exists now and will be provided if asked for at a facility. Mr. Posey asked if they are available at the facilities; why not make them available electronically.

Ms. Engelhardt commended Ms. Rodger and Ms. Lewis for providing great suggestions including background information that will be extremely useful to a Consumer. Mr. McGonigle concurred.

Ms. Rodger suggested the Commission look at Arizona's website closer since it appears to mirror what points the Commission mentioned today would be useful to a Consumer.

Mr. McGonigle offered to work with Ms. Bailey in revising the letter to Secretary Meconi and to create a similar letter to appropriate people in the General Assembly.

4. Old Business/New Business:

- DNHRQAC By-Laws

Mr. McGonigle mentioned that the By-Laws were red-lined for members to review. When the By-Laws are ready to be amended, they will be posted with the agenda so that anyone who wants to comment has ample time. He furthered that the By-Laws will not be voted on today, however final comments are being taken.

Ms. Engelhardt mentioned to the Chairman that Ms. Gallagher wanted to know if anything additional language needs to be included for teleconference calls. Ms. Waldron mentioned that the language chosen should apply to all members not able to be physically present. Mr. McGonigle will locate the language that applies to this and forward it to Ms. Bailey.

Mr. McGonigle stated that the By-Law changes discussed will be posted with the agenda in advance for October 9, 2007 DNHRQAC Meeting.

- DNHRQAC 2006 Annual Report

Ms. Bailey mentioned that she forwarded to agencies their subsections of the report for review. Mr. McGonigle mentioned that we could discuss the Annual Report at the next meeting, if the agenda is not too full.

- Future DNHRQAC Meeting Location

Herman Holloway Senior Campus, room 198 is available for 2008 DNHRQAC meetings. Chairman McGonigle stated that he would like to have the meetings held in the future at Emily P. Bissell Hospital. The Commission voted and approved the motion. The October 9, 2007 meeting will be held at the Herman Holloway Senior Campus. November 13, 2008 the commission meeting will be held at Emily P. Bissell located at 3000 Newport Gap Pike Wilmington, DE 19808 in one of the conference rooms.

Ms. Bailey will provide commission members with a 2008 DNHRQAC meeting schedule.

Ms. Waldron requested that she be able to teleconference in for the October 9, 2009 meeting since she will be in Boston.

Ms. Engelhardt mentioned that next month marks the 20th anniversary of COBRA.

Ms. Waldron stated the Thursday, September 20, 2007 DHCFA will host their 14th Annual Trade Show and Educational Conference in Dover. If anyone is interested in attending, please email Ms. Waldron.

Ms. Bailey thanked the 2009 DNHRQAC Budget Committee for their prompt assistance. She was advised that AOC is requesting more documentation before the end of September, 2009 and asked for assistance from the Commission. Mr. McGonigle has offered his assistance.

5. Public Comment:

State Ombudsman- Mr. Orija stated that the Residents Rights Rally will be held on October 11, 2009 from 1-3 PM in Dover. He provided commission members with an informational flyer and asked members to attend.

Mr. Orija also wanted to provide commission members with an update regarding Captain's Deck. He mentioned that the present DON, Ms. England, will be the acting Administrator and DON at Captain's Deck. Dr. Lugar has left his administrator position.

Mr. Orija mentioned that 68 residents were informed on August 16, 2007 about changes at the facility. As of this morning, the census is 53 residents. The facility anticipates by November 13, 2007 there will be approximately 33 residents at Captain's Deck. Food Service staff will remain, however medication management will be discontinued. Three residents that moved in not long ago, were refunded their \$2500 committee fee a piece.

There was an open house at Captain's Deck August 29, 2007 and other assisted living facilities in the area participated. State agencies were also present to assist residents/families with the news. The Ombudsman's Office plans on meeting with every resident to ensure their rights are protected.

6. Next meeting will be Tuesday, October 9, 2007, at 10:00 AM. The location will be DHSS Campus, Main Building, Room 198.

7. Adjournment:

The meeting was adjourned at 11:51 AM.

FINAL MINUTES - The August 14, 2007 DNHRQAC minutes were approved without changes to the draft.
Staffing Summary Report
DNHRQAC By-Laws draft
DNHRQAC Annual Report draft
QI State Website Information
Residents Rights Rally Flyer