

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Herman M. Holloway, Sr. Campus – Room 301

1901 N. duPont Highway, New Castle, DE

Meeting of October 12, 2004

MINUTES

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

Commission Members Absent: Walter E. Ferris and Rep. Pamela S. Maier

Others Present: Carol Barnett, Planner II and Tim Hoyle, Ombudsman, (DSAAPD); Sandra Dole, President (Delaware Council of Activity Professionals); Larry Haas, (State Senate); Cory Nourie, M.S.S., M.L.S.P., Training Coordinator, (Center for Disabilities Studies); Mary Roger, R.N., Project Coordinator, (Quality Insights of Delaware); June Valentine, (DAHSA); Carol Ellis, Director; Catherine 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 10:03 A.M.

2. Approval of the Minutes for September 14, 2004 Meeting

The Minutes for September 14, 2004, were approved as written.

3. Presentation of “Who Are Nursing Home Residents?” by Cory Nourie, M.S.S., M.L.S.P., Training Coordinator at the Center for Disabilities Studies

Ms. Nourie said in addition to discussing nursing home residents she would explain the Center for Disabilities Studies and what they do. A handout entitled “New Visions ‘04” that briefly describes the seminars was given to members. A problem for the Center is the dissemination of marketing information. The Center, a non-profit agency, is located at the University of Delaware in the College of Human Services Education. In a 2-day seminar, Ms. Nourie presents an introduction to developmental disabilities. These seminars are required for all new state employees in the Division of Developmental Disabilities Services (DDDS). Many people who are involved in adult foster care services voluntarily attend the seminars. Ms. Nourie followed up her presentation with a written exercise in which everyone participated. It was a demonstration of how language shapes value, of how the focus should be on the individual rather than the disability with emphasis on abilities not limitations. Ms. Dole stated that other people often unintentionally speak on behalf of the residents in an institution. Furthermore, she noted that some habitual expressions used in referring to residents, though not said maliciously, can be detrimental and do not address residents as human beings. The terms “disability” and “handicap” tend to be used interchangeably. In defining the difference between the terms, Ms. Nourie stated a disability is whatever the medical diagnosis is that makes the individual eligible to receive funds. A handicap is a barrier in a physical environment that limits a person’s ability to function. Ms. Nourie concluded her presentation with a demonstration of how language shapes values. Members were asked to study 10 statements containing negative descriptions of individuals. They were asked to focus on the individual as a person and rephrase the statements more appropriately in a positive manner.

#### 4. NHRQA Commission position on proposed Executive Director position and responsibilities.

Chairman McGonigle gave each member a draft of a proposal to establish the position of an Executive Director to the Commission. For reference he included the enabling legislation for this Commission. The draft proposal would eventually become part of the FY 2006 budget bill to be approved and enacted. Chairman McGonigle studied Executive Director positions that have been created previously. Since the Executive Director will help carry out the duties and responsibilities of this commission, the duties have not been specified in the proposal. Normally, the fiscal note is put in the proposal or it could be suggested that the salary should be comparable to other similar Executive Director positions. Because the Governor has the executive review of the Executive branch budget in November, Sen. Marshall said it would be advantageous to advance this proposal with the necessary funding. It then will be included in the January budget bill. This makes the proposal part of the process and becomes recommended by the Governor which is extremely beneficial. Chairman McGonigle said it is unknown if the Office of the Courts is still agreeable to helping with housing costs for the position.

Chairman McGonigle said if members want and need the position of an Executive Director and they are comfortable with the Draft Executive Director Proposal, he suggested forwarding a letter before the Commission's next meeting to the Governor and Budget Director. This proposal is patterned on several other commissions that have Executive Directors. Ms. Waldron stated that there are other commissions functioning well without an Executive Director and that this Commission has not allowed enough time for its subcommittees to get started and begin to function.

Sen. Marshall moved that based on the Chairman's drafted proposal and strongly believing an Executive Director could be an asset to the work of the Commission and all the members who would have an opportunity to interact with an Executive Director, moved that the Commission attach as a recommendation the fiscal note of the previous bill S.B. 225 as a guide for the Executive Branch. Also attached will be information describing the statutory creation of the Commission and the Commission's support of the Chairman's recommendation. The motion was not seconded. Discussion followed.

A detailed definition of the qualifications for the Executive Director is purposely not in the draft proposal. Chairman McGonigle said he envisioned the General Assembly appropriating the money and passing it in the budget act and gaining the approval of the Joint Finance Committee. Then the Commission having funding could develop the criteria to do a search for an Executive Director. Ms. Waldron recapped the discussion as follows: If the proposal is to be supported by the Commission, the appointment should be made by the Governor with the appointee serving at the pleasure of the Commission with criteria for a person's qualifications and job description defined by the Commission. The question of the Executive Director having a full-time position, 40 hours a week was discussed. The Commission in its monthly meetings would provide the broad parameters of work to be done, with the Chairman to oversee the day-to-day detail. Chairpersons of the subcommittees will be directing the Executive Director's activities with respect to staffing those subcommittees.

If the Commission votes to send the draft proposal to the Governor, Chairman McGonigle suggested including a cover letter that says basically the Commission is recommending establishment of an Executive Director position, and if recommended by the Governor with a recommended budget, the Commission would then start the process of defining the criteria for qualifications, job parameters, reporting responsibilities before the budget was passed so it would be clear what the Commission anticipates doing.

The Commission has not come to a consensus on the issue of appointing an Executive Director. Two of the members need to meet with their Boards and members for a discussion of the appointment and will report back at the November 9<sup>th</sup> meeting.

Senator Marshall withdrew his previous motion.

Chairman McGonigle moved that the Commission support the funding of an Executive Director position for this Commission; that it is made clear to the Governor that the Commission has not yet formed a consensus of who should make that appointment, whether it should be the Commission or the Governor but it is hoped the Commission will reach that consensus by the next meeting on November 9, 2004, and will inform the Governor. If the Governor should choose to recommend funding for this position the Commission would begin its work to define more precisely the qualifications of the Executive Director, the eligibility requirements and the job description. The motion was seconded and passed with one opposed, Thelma Mayer and one abstention, Yrene Waldron.

Chairman McGonigle will send the letter to the Governor and will copy Commission members. At the November 9, 2004, meeting the focus will be on who makes the Executive Director appointment.

#### 5. Discussion of

- NHRQA Commission subcommittees.

To get started, Chairpersons were appointed by Chairman McGonigle to initiate first meetings for each subcommittee; following the first meeting the subcommittees would then each select its own Chairperson who is a Commission member. All Members and Interested Persons may volunteer to be on a subcommittee.

Volunteering for Agency Review Subcommittee are: Sgt. Ferris, Chairman McGonigle, Mr. Letnaunchyn and Ms. Valentine, Ms. Waldron. Chairman: Mr. McGonigle

Volunteering for Legislative Regulatory Subcommittee are: Ms. Waldron, Ms. Givens, Mr. Letnaunchyn, Ms. Mayer, Mr. Posey, Sen. Marshall, Mr. Hoyle, Rep. Maier and Ms. Waldron. Chairman: Sen. Marshall  
Sen. Marshall requested a meeting of this subcommittee after the November 9<sup>th</sup> Commission meeting.

Volunteering for Quality Initiatives Subcommittee are: Ms. Engelhardt, Ms. Roger, Ms. Gallagher, Ms. Dole, Ms. Valentine, Ms. Givens. Chairperson: Ms. Engelhardt

It was suggested that if the Commission gets funded and an Executive Director is recommended it would be advantageous to have an all-day Commission meeting in January or February.

Mr. Hoyle said for reviewing legislative issues relevant to long term care, a website which will be most helpful is <http://www2.state.de.us/scpd/plmin.asp>. It will help the Legislative Regulatory Subcommittee and this Commission immeasurably.

- CNA Career Ladder Advancement

Ms. Waldron will report on the facilities survey at the next meeting.

## 6. Old Business/New Business

Ms. Ellis reported that the FBI again denied the Division access to the National Crime Information Center. The Commission will request that Mr. Michael McDonald, Delaware liaison person for the FBI, attend a Commission meeting and bring the FBI letter with him for discussion of the criteria.

Ms. Waldron said the Long Term Care Nursing Council, comprised of Directors of Nurses and Assistant Directors of Nurses would like to present to this Commission their objectives and goals as they relate to quality care. This presentation will be scheduled for a future meeting. Ms. Waldron made available to staff a paper prepared by the American Health Care Association pertaining to legal issues surrounding voting by residents with dementia. This information plus a press release prepared by DHCFA endorsing Quality First will be put into packets for the next meeting.

Discussion followed about the impending flu season and the lack of vaccine for the most vulnerable population and those who care for them. A flu epidemic could create understaffing in facilities. This will require understanding and appropriate adjustment. The impact of flu could put many residents in hospitals and possibly cause them to lose Medicaid beds in nursing homes. The majority of assisted living and independent living residents in New Castle County have been vaccinated.

Mr. Hoyle and Ms. Dole reported the Residents' Rights Rally featured the theme of Quality of Care and Voting Rights that included instructions on how to use a voting machine.

7. The next meeting will be held on Tuesday, November 9, 2004, at 10:00 A.M.  
The location will be **SMYRNA REST AREA CONFERENCE ROOM, SMYRNA, DE**

## 8. Adjournment

The meeting was adjourned at 12:20 P.M.

Final Minutes approved December 14, 2004