

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION
Herman M. Holloway, Sr. Campus, Main Bldg., Room 301
1901 N. duPont Highway, New Castle, DE
Meeting of December 10, 2002
MINUTES

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

Commission Member Absent: John A. Fogelgren, Jr.

Others Present: Sandra Dole, President (Delaware Council of Activity Professionals); Tim Hoyle (DSHSS Ombudsman LTC DSAAPD); Lisa Gaylord, Joseph Letnaunchyn, President, CEO (Delaware Health Care Association); Melissa H. Shahan, Director (Client Assistance Program CAP); Steve Tanzer, Administrative Assistant to Sen. Marshall (State Senate); Catherine McMillan, Deputy Director, Judith Johnston, Ph.D., Quality Improvement Administrator; Mitzi Murphy and Joan Reynolds, Staff Support (DHSS Division of Long Term Care Residents Protection, DLTCRP); Yrene Waldron, Executive Director (Delaware Health Care Facilities Association).

1. Call to Order.

The meeting was called to order by Chairman McGonigle at 10:10 a.m.

2. Approval of the Minutes of October 8, 2002 Meeting.

The Minutes were approved as written.

3. Presentation of "A Study of Certified Nursing Assistant Programs in Delaware" by Judith Johnston.

Dr. Johnston reviewed the prepared report "A Study of Certified Nursing Assistant Programs in Delaware" giving the background, method for obtaining the criteria and results of the analysis. Commission members were previously sent copies of this report for review. Dr. Johnston presented recommendations from results of the study and listed some problems encountered in gathering data. Following the report, questions and comments included the suggestion that until a Nurse Aide in Training (NAIT) has completed the CNA course that they not be listed as a CNA. It was pointed out that facilities know CNA testing dates so a NAIT needing to retest must be certified by the end of the 90-day period or be relieved of duty and cannot be hired by another facility. They can however, go to acute care as a hospitality aide with no clinical activities. There is no law requiring hospitals to have CNA's.

Chairman McGonigle stated that when CNA testing sites test only a few people, the percentages of people who pass or fail are not meaningful. He further stated that it is reasonable to ask the testing company to provide pass/fail percentages on an ongoing basis so the Division can evaluate and compare D&S Diversified Technologies (D&S) with the previous contractor. It was requested that the Training Administrator and nurse who survey the schools check CNA training rooms for running water, mannequins, and other necessary equipment.

A motion was made to approve the report subject to the items discussed and subject to receiving data in a timely manner from the new contractor. It is understood that changing the test would take more time due to conferring with D&S and developing a new format. The motion was passed.

4. Review and discussion of the annual NHRQA Commission DRAFT report.

In identifying trends for the Commission, Chairman McGonigle asked for agency data to be included in the report, as it is the factual predicator for trends. Further trends include fostering and promoting statewide investigation training and investigating why a large percentage of cases deemed important by trained investigators are dropped. There may be valid reason for this but it is something the Commission should review and monitor. A report was requested from the AG Office about training local law enforcement agencies in sensitivity and awareness of nursing home violence. The Division was requested to bring records of hot-line calls to the next meeting. Hot-line calls are triaged and there is 24 hours response to immediate serious threats. Sen. Marshall requested for the January meeting an investigative staff member to answer specific questions.

The Annual Report, "Goals" includes monitoring the Hotline response. Records of the number of calls to Hotline are requested for the next meeting. It was requested that an AG staff member explain how non-Medicaid calls are

handled from the AG Office to the Division. The Commission should monitor the high acuity level of many more residents moving into Assisted Living facilities. Ms. Waldron invited members to an Assisted Living Educational Conference January 30th where Carol Ellis will review Assisted Living regulations along with a national level speaker. Chairman McGonigle identified more trends and goals affecting the quality of care, i.e. reliance on temporary staff in facilities; monitoring implementation of Eagle's Law; the difficulty in recruiting qualified staff. Further trends and goals suggested by members were to secure more trained volunteers to provide programs for long term care patients in hospitals. Mr. Hoyle explained that the Division of Aging and Adults with Physical Disabilities whose responsibility it is has put significant effort into marketing this concept. Providers also provide this kind of service and will speak with any potential volunteer. It was suggested that letters be sent to places of worship informing them of the great need for volunteers. A handout to members entitled "National Group Gives Delaware Mixed Ratings on End-Of-Life Care" stating that Delaware hospitals offer very little hospice or palliative care. Members were requested to send to Mitzi Murphy trends or goals they want included before the next meeting so the report can be finalized

5. Old business/New business.

Ms. Phyllis Peavy has resigned from the Commission.

A new form issued by the Governor's office was shown. It is to be used for those re-applying for appointment to the Commission.

Ms. Engelhardt stated for the record that in her opinion, several statements in the September 10, 2002 Minutes, under Public Comment gave incorrect information about the hiring freeze existing at a certain time when, at that point, there wasn't one. She further stated, in her opinion, discussing the illness of surveyors that actually one was reassigned so that is why the Division was short surveyors for Assisted Living. Ms. Engelhardt also requested that September 10, 2002 Minutes be corrected to reflect adjournment at 11:15 a.m. not 12 p.m.

A request was made for a Medicaid staff member to come and answer Commission Members' questions.

Mr. Hoyle said for relevant information, www.Medicare.Gov/nhcompare.esp is excellent.

Ms. Waldron, at the next meeting will provide a rebuttal to the U.S News & World Report article as printed in a handout, "Setting The Record Straight On Nursing Home Funding".

The schedule for 2003 Commission Meetings was handed out to members and interested persons.

6. Public Comment.

In answer to questions about the number of incident reports sent by the Division to the AG office, and a significant reduction of those prosecuted, Chairman McGonigle agreed that there may be many valid reasons for this but it is something that should be reviewed and monitored.

Facilities allowing visitors have protection and oversight responsibilities that have to be put into the process plus protection of residents' rights.

It was agreed that residents not be left in acute care facilities but be moved as soon as possible into a better setting and not try to make hospitals nursing homes.

7. Next meeting.

The next meeting will be held on Tuesday, January 14, 2003. The meeting will start at 10:00 a.m. in Conference Room 301, Main Building, Herman M. Holloway, Sr. Campus, New Castle.

8. Adjournment.

Chairman McGonigle adjourned the meeting at 12:01 p.m.

FINAL MINUTES approved January 14, 2003