

---

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE  
COMMISSION

Emily P. Bissell Hospital  
2<sup>nd</sup> floor conference room  
3000 Newport Gap Pike  
Wilmington, Delaware 19808

**FINAL**

Meeting November 10, 2009  
Minutes

Commission Member(s) Present: Brian L. Posey, Chairman; Yrene E. Waldron; Karen E. Gallagher; Wayne A. Smith; M/Sgt Ferris; Representative Valerie J. Longhurst; Holly L. Rolt; Vicki L. Givens; Lisa A. Furber and Senator Bethany A. Hall-Long.

Commission Member(s) Absent: Patricia C. Engelhardt and Joe G. DiPinto.

Others Present: Margaret Bailey; Rob Smith, Licensing Administrator DLTCRP; Pete Feliceangeli, AG Office; Candace Brothers, Aid to Ms. Gallagher; Lisa Zimmerman, Administrator DMMA; Mary Rodger, Quality Insights of DE; Sheila Grant, Compassionate Care Hospice; Ron Inglis, Advocate; Carol Lovett, Consumer; Dion Davis, Highfield Masonic Home of DE; Reginald Goring, Highfield Masonic Home of DE; and Diana May, Consumer.

1. Call to order

The meeting was called to order at 9:37 AM by Brian Posey, DNHRQAC Chairman. Members of the Commission introduced themselves to Senator Bethany Hall-Long, who joined DNHRQAC in September 2009.

2. Approval of the Minutes of the meeting of:

The July 14, 2009 and September 8, 2009 meeting minutes were voted upon and approved with minor changes. Chairman Posey provided comments surrounding the September 8, 2009 meeting minutes that included:

A. Pennsylvania Dental Hygienists Association Nursing Home Report- A request was made by Chairman Posey to obtain a copy of the association's report which reviewed dental care for PA nursing home residents. Ms. Bailey will follow-up with the PA Dental Hygienists Association.

B. University of Minnesota School of Dentistry Website- Chairman Posey asked if members had an opportunity to review the website provided by Dr. Greg McClure during the September 8<sup>th</sup> meeting. Chairman Posey asked if Ms. Bailey would print out articles from the website relative to dental services for nursing home residents.

C. DE Mobile Dental Unit- Chairman Posey asked Ms. Bailey to follow-up with Dr. Greg McClure (DPH) regarding an update on the project. Ms. Gallagher suggested that space for electric wheel chairs and transfer/lift liability both be considered in creating the mobile van. Ms. Furber mentioned that she believed both items were discussed during the September 2009 DNHRQAC meeting when Dr. McClure presented. Ms. Bailey will ask about there is adequate space for electric wheel chairs and transfer/lift liability when DPH provides an update on the project.

3. Discussion of:

## Anti Psychotic Medications

Dr. Troy Thompson was not able to attend the meeting, but offered to present about anti-psychotic medications during the January 12, 2010 DNHRQAC meeting.

### QART Report

Rob Smith, Licensing Administrator for DLTCRP presented the third quarter QART Report to DNHRQAC Members. The Division's investigators conducted a total of 20 surveys during the third quarter 2009. Upon completion, 10 "G" level citations were recommended by survey staff. The QART Team reviewed the recommendations and as a result, two of the citations were downgraded to "D" because both situations were not able to link harm to a deficient practice in the facility.

Mr. Smith explained that the Quality Assurance Review Team (QART) meets to review all "G" level deficiency recommendations by the DLTCRP's survey staff. The team consists of: DLTCRP Director, DLTCRP Deputy Director, DLTCRP Licensing Administrator, DLTCRP Quality Assurance Administrator and a Medical Director. The team reviews to determine whether there was actual harm or not based on information surveyors gathered.

Ms. Waldron asked how many of the third quarter surveys were performed using QIS. Mr. Smith believed that three of the third quarter 2009 surveys used the QIS process.

Ms. Waldron further added that there tends to be more citations with QIS as opposed to the former manual process.

Wayne Smith mentioned that the layout of the report is confusing and suggested that the Division might want to consider making minor changes to the report.

Chairman Posey asked how many "F" tags are reviewed during a survey. Mr. Rob Smith replied that there are over 500 potential "F" tags reviewed each time a survey occurs.

Ms. Waldron suggested that in the near future a slide presentation be prepared for commission members regarding all the "F" tags (measurements) created by the Federal Government. Chairman Posey agreed that it would be helpful for commission members to understand what is being reviewed during the survey process.

Mr. Rob Smith shared that the second group of investigators attended QIS training. The training was completed in October 2009. The Division is now 100% QIS.

Chairman Posey asked whether an electronic version of the Plan of Correction Report has been created. Mr. Rob Smith offered that CMS is working on making it easier for an electronic copy of a deficiency report to be sent to a facility and in return the facility will be able to respond back with a plan of correction, electronically. Delaware is not currently using this method of transporting information. Ms. Rolt shared that Pennsylvania has been using an electronic form to communicate after a survey has been concluded.

Mr. Rob Smith shared that Aspen is the software used by CMS- deficiency reports are downloaded by the Division and they in return print out a copy of the report and send it to a facility. The facility completes a manual plan of correction and sends it back to the Division. Delaware does not have the software needed to link Aspen (at CMS) to the facilities for electronic interaction to occur.

Wayne Smith asked whether anyone has considered using a DHIN application to link and interact with Aspen. He further suggested that the State IT person who will be managing the project to contact Gina Perez about whether DHIN would be an option.

### Staffing Report

Rob Smith presented the third quarter staff report to commission members. All State (5.48 hours) and Private (3.85 hours) facilities have met the staffing levels (3.28 hours minimum required) as a result of implementing Eagles Law.

Senator Bethany Hall-Long asked why facilities names are obscured on the Staffing Report and where could the public access a listing of the facilities names. Mr. Rob Smith mentioned that the Commission and DLTCRP both elected to not have facility names appear on the report when it was created years ago. Chairman Posey asked Commission members whether the Commission should encourage the Division to include facility names on future Staffing Reports. He further added that perhaps it could be determined off-line how name omissions came about and whether DLTCRP Director has an opinion about whether the names could appear on future Staffing Reports.

Mr. Rob Smith indicated that State facilities staff at a higher rate due to acuity levels and developed care plans. There also has been construction at State facilities and a reduction of certified beds which also impact the State staffing ratio level(s).

Representative Longhurst asked who should be contacted to find out whether residents at State facilities have a higher acuity level or not. Ms Rogers shared that Quality Insights of Delaware received an Excel spreadsheet with an automatic calculation for RUGS acuity levels from the State of Minnesota. She further shared that perhaps an audit could be applied using the RUGS [indicator for the level of care based on individuals MDS (Minimum Data Set) grouping]. Ms. Roger indicated that, antidotally, QI recently conducted a special study of a State nursing home and found the acuity level to be quite a high-degree of care, complexity of care, etc. Consequentially, the staffing level needed to care for the residents would to be high. She further stated that there is a tool available which could be applied to RUGS groupings, however facilities would need to volunteer or an outside consultant hired to collect samples.

Ms. Waldron shared that private facilities get paid by Medicare, Medicaid and private pay source funding, if applicable and therefore would not receive more funds than the 3.28 staffing level and ratio.

Ms. Waldron furthered that it is her belief that State facilities are paid by the General Fund and therefore would receive more funding if deemed necessary due the State facilities being in a different peer group. Ms. Zimmerman, DMMA Administrator, clarified that the reimbursement level is based on individual medical needs for each individual client in both private and State facilities. There is a 50/50 match for funds used to pay for the services.

Chairman Posey asked whether there is a potential supply of staffing for the private and non-profit facilities should State facilities be over-staffed, to help fill the gap. Ms. Waldron mentioned that the State hiring process is different than for the private sector- where downsizing due to shortage of beds, the private and non-profit facilities can adjust their staffing accordingly. She further added that she believes that the profit margin for private facilities is 3-3 ½ %.

#### 4. Old Business/New Business:

### Practice Without Pressure

Representative Longhurst shared that the organization, Practice Without Pressure, provides dental service for elderly and disabled individuals. Ms. Gallagher mentioned that it appears the organization might limit their care efforts to medical services, but she would locate and forward contact information should the Commission want to inquire further about the services.

Chairman Posey suggested that the Commission keep this organization in mind for future access to care; especially since funding opportunities are limited.

### DNHRQAC 2009 Annual Report

The Commission voted upon and approved the 2009 Annual Report. Ms. Bailey will work with Chairman Posey to finalize the report and forward to: Commission members, the Governor, the Secretary of Delaware Health and Social Services (DHSS), and the General Assembly.

### 2010 DNHRQAC Meeting Schedule

The Commission previously discussed having a meeting or two in another Delaware county. Representative Longhurst will assist in arranging for the January 12, 2010 meeting to be held at Legislative Hall in Dover.

### FY 11 Epilogue Language

Administrative Office of the Courts requested the Commission to review the Epilogue Language and determine whether there will need to be any changes to the previous FY 10's submission. The Commission voted and approved minor changes to the FY 11 Epilogue Language.

## 5. Public Comment

### Residents Rights Rally

Ms. Bailey shared that the Residents Rights Rally was held at the Dover Sheraton on October 8, 2009. Sandy Dole did a phenomenal job with the event. Representative Longhurst prepared a tribute that was sent to Ms. Dole for this annual event.

### 24<sup>th</sup> Geriatric Medicine Symposium

Ms. Bailey mentioned that the Delaware Academy of Family Physicians is sponsoring an event on December 10, 2009 at the DuPont Country Club from 8:00-noon. Ms. Bailey will forward the registration form and agenda to commission members upon receipt. DAFP's website is: <http://www.delfamdoc.org>.

### Life Conference

The Annual Life Conference will be held on January 21, 2010 at the Dover Sheraton. More information can be found by accessing: <http://www.lifeconference-delaware.org>. Contact Jo Singles (State Council for Persons with Disabilities) for more information at: (302)739-3621.

### Family Perspective

Ms. Diana May attended the Commission meeting to provide her perspective regarding the quality of care her mom received at a licensed Delaware nursing home in 2007-08.

Chairman Posey asked whether a complaint was filed with DLTCRP. Mr. Rob Smith mentioned that DLTCRP received an investigation request through DHSS Cabinet Secretary's Office. An investigation was conducted by the Division, results of the investigation were provided to DHSS Cabinet Secretary's Office and DLTCRP felt the investigation was closed from their perspective. Once the Division was aware that Ms. May initiated the investigation and received her contact information, the results of the investigation were provided to her.

Ms. May's mom was discharged from the skilled nursing home facility over a year ago.

Two Commission members and an advocate provided Ms. May with their contact information so they could possibly discuss specifics regarding her mom's care in conjunction with their full-time job(s). Chairman Posey thanked Ms. May for attending the meeting and sharing her perspective for her mom's care at a licensed skilled nursing facility.

6. Next meeting will be **Tuesday, January 12, 2010** at 9:30 AM. The location:

Legislative Hall  
411 Legislative Avenue  
Dover, DE 19901

7. Adjournment

The meeting was adjourned at 11:30 AM by Chairman, Brian Posey.

Attachments: Meeting agenda  
July 14, 2009 minutes draft  
September 10, 2009 minutes draft  
QART Report  
Staffing Report