
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE
COMMISSION

Emily P. Bissell Hospital
2nd floor conference room
3000 Newport Gap Pike
Wilmington, DE 19808
FINAL

Meeting January 8, 2013
Minutes

Commission Member(s) Present: Brian L. Posey, Chairman; Pat Engelhardt; Karen Gallagher; Representative Michael Barbieri; Yrene Waldron; Kyle Hodges, Vicki Givens, and Lisa A. Furber.

Commission Member(s) Absent: Joe DiPinto; Wayne Smith and Senator Bethany Hall-Long. Pete Feliceangeli, DOJ, was not present.

Others Present: Margaret Bailey; Barbara Bass, Aide to Ms. Gallagher; Kim Marsh, United Health Care; Andi Wozny, DSAAPD; Robert Smith, DLTCRP; Mary Peterson, DLTCRP; Victor Orija, State Ombudsman; Mary Rodger, Quality Insights of Delaware; Chad Golden, Brandywine Nursing and Rehabilitation; Jim Apostolico, Medicaid Fraud Control Unit; Carol Lovett, Consumer; Kathie Gibson, EBH; Barnabas Kerkula, EBH and Quinesha Harris, DHCI.

1. Call to order

The meeting was called to order at 9:36 AM by Brian Posey, DNHRQAC Chairman.

2. Approval of the Minutes for the meeting of:

September 18, 2012 meeting minutes were approved without changes.

3. Discussion of:

Statewide Antipsychotic Coalition

Mary Rodger, Quality Improvement Director for Patient Safety (which includes nursing homes), spoke during the Commission meeting about the Delaware Statewide Antipsychotic Coalition that was rolled out by Centers for Medicaid & Medical Services (CMS) in April 2012.

Quality Insights of Delaware is the Medicare quality improvement organization for the state of Delaware. QI of DE is a non-profit organization that contracts with three states and end-stage renal disease in six states.

QI of DE brings programming for Medicare to all providers in Delaware: hospitals, nursing homes, and home health agencies/ physicians' offices.

QI of DE also has a contract for the Regional Extension Center under the Affordable Care Act which helps physicians to utilize electronic medical records.

One of the CMS, National Survey and Certification, recent initiatives was to reduce the amount of antipsychotic medications administered to residents that suffer from dementia. QI of DE has taken the reins on in this state-wide coalition to reduce the use of antipsychotic medication in Delaware nursing homes.

Ms. Rodger mentioned that nine Delaware nursing homes have agreed to participate in this effort. The goal is to reduce the percentage of antipsychotic medication by 15%. Delaware current average is 22.3% and the national average is 23.4%.

Ms. Rodger further added that each facility should be working with its medical director, pharmacy vendor and consultant pharmacist to identify residents on antipsychotic medications so the resident can be examined and it is determined whether the dose of medications should be gradually reduced or discontinued.

Quality Insights of Delaware will be hosting a two-part webinar series about F tag 329 in January 2013. Ms. Rodger will forward specifics to the Commission.

There will also be a live event hosted by QI of DE in February 2013 using an all teach, all learn methodology about antipsychotic medication reduction efforts. Ms. Rodger will forward a save the date flyer to the Commission about the live event.

Ms. Waldron shared that Delaware Healthcare Facilities Association will be hosting an event to DHCFA members on March 21, 2013 regarding antipsychotic medications.

Quality Insights of Delaware Nursing Home Project

Ms Rodger shared that two new quality measures were added to the Nursing Home Compare website July 2012.

The new measures include an incident measure that assesses a percentage of short-stay residents that are given medication after admission to the nursing home, and a prevalence measure that assesses the percentage of long-stay residents that are receiving antipsychotic medication.

The new measures will not initially be included in the Five-Star Quality Rating System.

Ms. Rodger added that consistent staff assignment and constant interaction with a facilities medical director is also crucial in providing quality of care.

Civil Monetary Penalties & Annual Survey Reviews

Rob Smith provided a copy of the 2012 Civil Monetary Penalties imposed in Delaware nursing homes and assisted living facilities. The monetary penalties imposed by CMS or

the State of Delaware are based on the level of harm, improper discharge procedures, pattern of non-compliance, or threat to a residents health and safety. The grand total for 2012 Civil Monetary Penalties was \$277,052.

The state's portion of monies received is held in the Resident Trust Fund and used for educational opportunities such as: disaster preparedness, dementia, Director of Nursing (DON), Minimum Data Set (MDS), etc.

QART Report

Rob Smith, DLTCRP Administrator, presented the fourth quarter Quality Assurance Review Team (QART) to Commission members. In the fourth quarter of 2012, the QART Team reviewed four surveys involving "G" level deficiencies. As a result, the team downgraded two of the recommended deficiencies.

Staffing Report

Rob Smith, DLTCRP Administrator, presented the Staffing Report as of January 7, 2013 to Commission members, The hours per resident totaled 3.73 (minimum level to meet is 3.28). All Delaware nursing facilities were in compliance with Eagles Law during this time period.

Medicaid Fraud Control Unit

Jim Apostolico, MFCU Director, provided an update to the Commission. Mr. Apostolico started with the unit in July 2012. Prior to the unit, Mr. Apostolico had been a deputy attorney general within the Department of Justice (Criminal Division) for twenty years.

MFCU is comprised of seventeen staff, which includes eight investigators. The unit is currently has two vacancies. The unit's primary mission is to investigate and prosecute provider fraud in the Medicaid Program.

If the unit receives referrals regarding Medicaid fraud affecting a recipient, they forward the referral to DLTCRP.

The unit also investigates and prosecutes resident abuse, neglect, mistreatment and financial exploitation.

MFCU had two successful criminal cases in 2012 involving healthcare fraud. Both perpetrators spent time in jail and will have to pay back money back to the Medicaid Program.

The unit receives referrals electronically from DLTCRP. They determine whether to open or close a case based on the nature of the case. They also work with the Division of Professional Regulations if they suspect unprofessional conduct or Office of Healthcare Licensing if necessary.

Finally, the unit receives a number of Key Tams (False Claims Act) cases, also known as “whistle blower”. Last year, MFCU was able to give back close to \$3M in Key Tam cases.

4. Old Business/New Business

DNHRQAC 2012 Annual Report

Ms. Bailey and Chairman Posey presented the 2012 Annual Report draft to Commission members. Members voted and approved the report “as is” with minor changes. The report will be distributed shortly to the General Assembly/stakeholders and also appear on the Commission’s webpage: <http://courts.delaware.gov/AOC/DNHRQAC/index.stm>.

5. Public Comment

Life Conference

Kyle Hodges mentioned that the fifteenth annual Life Conference will be held at the Dover Sheraton January 17, 2013. Please contact www.lifeconferencede.org for more information about this annual event. The LIFE Conference XV is a joint effort of many of Delaware's consumer-focused organizations. LIFE stands for Liberty and Independence For Everyone and addresses the topics of: Legislation, Independence, Family & Education.

Brain Injury Across the Life Span

Lisa Furber shared information about the 22nd annual Brain Injury Association Conference that will be held April 5, 2013 at the Doubletree Hotel in Wilmington. A reception will be held April 4, 2013. Please contact: admin@biade.org or (302)346-2083 for more information.

Delaware Culture Change Coalition Open House

Ms. Bailey mentioned that the Delaware Culture Change Coalition will host an open house February 19, 2013 at Delaware Hospital for the Chronically Ill (Smyrna) at 1:30 pm. Please contact: delawareculturechange@gmail.com for more information about the event.

Joint Finance Committee FY 14 Budget Hearings

Ms. Bailey distributed a copy of the Joint Finance Committee FY 14 Budget Hearing scheduled to Commission members. The majority of health and social service budget hearings will be held February 19-21st.

Governor’s Inaugural Ceremony

The Commission members received an invitation to attend the Inauguration Ceremony on Tuesday January 15, 2013, 11:00 am at Legislative Mall (Dover, DE). In case of climate

weather, the event will be moved to Central Middle School Auditorium, 211 Delaware Avenue Dover, DE 19901.

FY 14 JFC Hearings

The FY 14 Public Hearings will begin January 29, 2013. A copy of the schedule was provide to Commission members should they elect to attend.

6. Next meeting will be **Tuesday, March 12, 2013** at 9:30 AM. The location:

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7. Adjournment

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

Attachments: September 18, 2012 meeting minutes – draft
2013 DNHRQAC meeting schedule
Antipsychotic Medication Quality Measures Report
QART Report- 4th Qtr 2012
2012 DNHRQAC Annual Report-draft
January 7, 2013 Staffing Report
FY 14 JFC Hearing Schedule
Brain Injury Association Conference flyer
2012 Civil Monetary Penalties Report
2012 Citations by Frequency Report