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DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Legislative Hall  
Tatnall Bldg Room 112  
150 Martin Luther King Blvd  
Dover, DE 19901  
FINAL

Meeting January 10, 2017  
Minutes

Commission Member (s) Present: Lisa Furber; Sue Shevlin; Doug Watts. Also present: DAG Paige Schmittinger, Esquire.

Commission Member (s) Absent: Representative Kim Williams; Amy Milligan; Senator Bethany Hall-Long; Karen Gallagher; Yrene Waldron and Melissa VanNeerden.

Others Present: Margaret Bailey; Staci Marvel, DMMA; Tom Murray, DLTCRP; Melissa McNally, Vitas; Dr. Tim Langan, Vitas; Karen Conway, Vitas; Gary Black, Vitas; Will Augustyn, AG Intern; and Olga Beskrone, Esquire, CLASI.

1. Call to order

The meeting was called to order at 9:44 AM by Lisa Furber.

2. Approval of the Minutes for the meeting of:

July 12, 2016, September 13, 2016 & November 22, 2016 meeting minutes were note voted upon due to lack of quorum.

3. Discussion of:

Community Legal Aid Society, Inc (CLASI) - Elder Law Program

Olga Beskrone, Esquire provided an overview of the Elder law Program through CLASI. Community Legal Aid Society, Inc. represents individuals in some consumer matters; advanced care directives; economic exploitation; Medicare/Medicaid issues; fair housing; discrimination issues, social security payment issues, etc.

Elder Law services are provided state-wide. The program has two offices (Wilm & Milford). There is not an income cap for services; however the age minimum is 60 years old. The Elder Law Program's contract is to assist 250 clients.

QART Report

Tom Murray, DLTCRP Deputy Director, presented the 3<sup>rd</sup> & 4th Qtr 2016 QART Reports. The survey team recommended five "G" level deficiencies during 3<sup>rd</sup> quarter 2016. The QART Team reviewed the five "G" level deficiencies and upheld the survey teams recommendations.

During 4<sup>th</sup> quarter 2016, the survey team recommended two “G” level deficiencies. After review, the QART Team downgraded one of the “G” level citations to a ”D” because resident had a pressure sore prior to admission and therefore care plan needed to be adjusted to reflect as such.

#### Staffing Report

Tom Murray also presented the 4th Qtr 2016 Staffing Report. The cumulative hours per resident totaled 3.68 hours during this snapshot in time. It appears one facility was not in compliance (on a Sunday) in which their hours per resident was 3.15. As a result, the facility was imposed \$2,500 fine by the state of Delaware for not meeting the minimum staffing ratio.

#### Civil Monetary Penalty (CMP) Report 2015 & 2016

Tom Murray, DLTCRP Deputy Director, presented information about CMP’s imposed in 2015 and 2016. Seven nursing homes and one assisted living facility were charged with civil monetary penalties during the calendar year 2015 totaling \$290,519.18. The Centers for Medicare & Medicaid Services (CMS) imposed \$119,797.31 and State of Delaware imposed \$170,721.87 during 2015.

In the past, DLTCRP used CPM funds to pay for training of providers and staff throughout the state. Funds were also used to pay the vendor (Prometric) who maintains the online CNA Registry. The cost of the CNA Registry is now being paid with \$25 fee charged for renewals of CNA certifications.

#### Adult Abuse Registry 2015 & 2016

Tom Murray provided commission members with 2015 & 2016 Adult Abuse Registry referral information. In 2015, there were 12 individuals referred to Attorney General’s Office, Licensing or Professional Regulations due to incidents of abuse, neglect, mistreatment or financial exploitation.

In 2016, there were 16 individual’s referred to Attorney General’s Office, Licensing or Professional Regulations due to incidents of abuse, neglect, mistreatment or financial exploitation.

#### Background Check Center 2015 & 2016

Tom Murray shared with DNHRQAC members about the Background Check Center applications that were submitted during FY 15 & FY 16.

There were 15,943 applications created in 2015 - Nurse Aide 3,140 (Nurse Aide in training there was an additional 1,046 applications), Personal Care Worker 1,704, LPN 1,116, RN 1,451, etc.

There were 17,666 applications created in 2016 - Nurse Aide 3,066 (Nurse Aide in training there was an additional 1,047 applications), Personal Care Worker 2,015, LPN 1,226, RN 1,400, etc.

#### Vitas Healthcare

Dr. Tim Langan, Vitas Medical Director; Karen Conway, Vitas RN; Melissa McNally, Vitas General Manager; and Gary Black, Vitas Healthcare professional provided an overview to commission members.

Vitas is the largest hospice provider in the United States and serve in 15 states. The organization was founded in 1948 and provides care for more than 15,000 clients. In Delaware, Vitas currently serves 175 clients: 65 NCC, 37 Kent & 72 Sussex.

The organization provides service based on an individual's level of care: Routine Home Care, Respite, General Inpatient or Intensive Comfort Care.

Routine Home Care supports patients and caregivers in a home setting with nurse, aide, chaplain, social worker, medication, durable medical equipment, etc.

Respite service is provided via contract between Vitas and a nursing home (5 days at a time). This allows caregiver time to take a break. Currently Vitas is has contracts with 18 Delaware facilities.

General Inpatient provides a higher level of care for acute symptom management. Skilled nursing services are required to address unmanaged symptoms such as pain, agitation, anxiety, change in level of consciousness, etc. General Inpatient is provided short term until symptoms are under control at nursing home, inpatient unit or hospital.

Intensive Comfort Care is provided at home, nursing home or assisted living setting. Individual requires a higher level of care for acute symptom management with a minimum of eight hours per day.

The Vitas Team shared that there is a lack of knowledge regarding the appropriateness of hospice services. In addition, the team shared that many healthcare providers are reluctant to have the end of life discussion. Finally, the team mentioned that there is a lack of understanding of the Medicare Hospice Benefit.

Dr. Langan shared that since Vitas is reimbursed as a federal healthcare provider, therefore Vitas staff may not actively facilitate access to medical marijuana: not able to complete state-mandated access forms; order marijuana for client; pick up/deliver marijuana to client or transport medical marijuana to client.

Gary Black (23 year Army veteran) is Vitas Veterans Liaison and vprovides community outreach to veterans and their families throughout Delaware. In particular, Vitas supports the We Honor Veterans Program.

The goal of We Honor Veterans Program is to provide the best possible care for veterans and honor veteran's preferences. This is achieved through education, resources, and technical assistance to health care professionals caring for Veterans, including those whose military service, combat experience, or other traumatic events that may come to light during their dying process. There are four levels of the We Honor Veterans Program – Delaware Vitas is the only fourth level provider in Delaware.

A vast majority of veterans are not enrolled in Veterans Administration and may not be aware of end of life services and benefits.

#### 4. Old/New Business:

#### FY 15 DNHRQAC Annual Report

FY 15 Annual Report was approved by commission members present. Ms. Bailey will distribute the report to the Governor, Legislators and Commission members in February 2016.

#### 5. Public Comment:

### XIX Life Conference

The annual Life Conference will be held January 25, 2017 at Dover Downs Hotel & Casino 8:00 am – 3:45 pm.

### Health Observances

National Handwashing Week: December 4 – 10, 2016

National Influenza Vaccination Week: December 4 – 12, 2016

### Delaware's Inauguration Event

Incoming Governor and Lt Governor Inauguration will be held January 17, 2017 at Legislative Hall @ 11:00 am. The event will be held outdoors.

### FY 18 Joint Finance Committee (JFC) Schedule

Ms. Bailey will forward FY 18 JFC schedule to commission members as soon as it becomes available. The schedule should be finalized in the near future.

6. Next meeting will be **Tuesday March 8, 2016 @ 9:30 AM. The meeting location: Division of Developmental Disabilities Services - 2540 Wrangle Hill Rd 2<sup>nd</sup> floor Training Room "A" Bear, DE 19701.**

7. Adjournment

The meeting was adjourned at 11:14 AM by Lisa Furber.

Attachments: July 12, 2016 minutes draft  
September 8, 2015 meeting minutes draft  
November 10, 2015 meeting agenda  
3<sup>rd</sup> & 4<sup>th</sup> Qtr 2016 QART Report  
4<sup>th</sup> Qtr 2016 Staffing Report  
Civil Monetary Penalty 2015 & 2016  
Criminal Background Check Center 2015 & 2016  
Adult Abuse Registry 2015 & 2016  
Vitas presentation