

**BY-LAWS FOR THE DELAWARE NURSING HOME
RESIDENTS QUALITY ASSURANCE COMMISSION
(DNHRQAC)**

Article I Authority and Purpose

The Delaware Nursing Home Residents Quality Assurance Commission is established by 29 Del. C. § 7907. All action taken by this Commission and all organizational structure shall conform to 29 Del. C. § 7907 and relevant provisions of 16 Del. C. §§ 1162 and 1167.

The purpose of the Commission is to monitor Delaware's quality assurance system for nursing home residents in both privately operated and state operated facilities with the goal that agencies responsible with the oversight of facilities are coordinating efforts to achieve optimum quality outcomes.

Article II Membership and Staffing

The Commission shall be composed of 13 members. One member shall be appointed by the Speaker of the House, and one member shall be appointed by the President Pro Tempore of the Senate. These members shall serve at the pleasure of their appointing authorities.

Four members serving by virtue of position, or a designee appointed by the member, as follows:

- a. The Attorney General,
- b. The Executive Director of the Community Legal Aid Society, Inc,
- c. The Executive Director of the Delaware Health Care Facilities Association,
- d. The Executive Director of the Delaware Healthcare Association,

Seven members appointed by the Governor as follows:

- a. One member who is a resident or family member of a resident of a nursing home,
- b. Three members, one from each county, who work in nursing home setting,
- c. Health care professional,
- d. Two advocates for elderly or disabled,

Members of the Commission shall elect a Chair.

The term of a Commission member is three years, however, the Governor may appoint one or more member for a term of less than three years to ensure that terms are staggered.

Membership shall be distributed so that there are Commission members from all three Delaware counties.

A majority of the total membership of the Commission constitutes a quorum. A quorum is required for the Commission to take official action.

The Commission may adopt rules and bylaws necessary for its operation.

The Commission, as operated within the limitation of the annual appropriation and any other funds appropriated by the General Assembly, shall furnish staff for the Commission. The Department of Justice shall provide legal advice to the Commission.

Commission members serve without compensation, they may be reimbursed for reasonable and necessary expenses incident to their duties as members of this Commission.

Article III Duties

The purpose of the Commission is to monitor Delaware's quality assurance system for nursing home residents in privately operated and State-operated facilities so that complaints of abuse, neglect, mistreatment, financial exploitation, and other complaints are responded to in a timely manner to ensure the health and safety of nursing home residents.

The duties of the Commission include:

- a. Examining, evaluating and making recommendations to improve the policies, procedures and coordination of agencies that have oversight of Long Term Care Services in Delaware and evaluating their effectiveness. The agencies include: Division of Health Care Quality (DHCQ), The Ombudsman's Office, Division of Services for Adults with Physical Disabilities (DSAAPD), Public Health, Division of Medicaid and Medical Assistance (DMMA), Attorney General's Office (AG) and other agencies deemed appropriate;
- b. Monitoring data presented to the DNHRQAC by agencies responsible for the oversight of the delivery of LTC Services in Delaware.
- c. Analyzing trends in order to assess the value and efficacy of current procedures intended to improve the quality of care and life of individuals receiving long-term care in Delaware;
- d. Making recommendations to the Governor, Secretary and the General Assembly concerning the quality assurance system as well as improvements to the overall quality of life and quality of care of nursing home residents after analyzing trends and outcomes;
- e. Protecting the privacy of nursing home residents including following the guidelines for confidentiality of records to be established by Delaware Health and Social Services (DHSS);
- e. Preparing and publishing an annual report to the Governor, the Secretary of DHSS and members of the General Assembly.

Article IV Meetings

The Commission shall determine its own meeting schedule but meetings shall occur at least quarterly. These meetings shall be open to the public, held in an accessible place, and with reasonable accommodations. The Commission shall endeavor to schedule the meetings at regular, predictable intervals. The staff shall distribute the meeting date, agenda and location to Commission members and the public at least 7 days before the meeting date.

Staff shall distribute draft minutes of meetings to Commission members no later than 14 days after the meeting date, and the Commission shall approve or correct the minutes at the next Commission meeting. Approved minutes shall be available to the public.

Commission members may participate and vote during meetings via teleconferencing provided a quorum of members are physically present.

Commission members may designate proxies to attend meetings on their behalf. Such proxies shall have voting rights and shall be considered part of a quorum.

Any member of the public may submit written comments to the Commission at any time and requests for confidentiality will be honored. Members of the public may also request to be included on the Commission meeting agenda by contacting the DNHRQAC staff at least 14 days in advance of the relevant meeting date. In addition, each agenda shall include time for brief public comment.

The Commission may hold Executive Sessions, closed to the public, in accordance with the Freedom of Information Act, 29 *Del. C.* §10001 *et seq.*

Article V Confidentiality

Commission members shall sign a Confidentiality Agreement to protect the privacy of nursing home residents established by Delaware Health and Social Services.

Article VI Prohibited Activities

No individual Commission member will represent the Commission to the general public without a majority vote of a quorum at a Commission meeting prior to representation. Members shall recuse themselves from voting or otherwise making Commission decisions regarding matters in which they have a conflict or potential conflict of interest.

Article VII Parliamentary Authority

Unless otherwise provided in these by-laws, all Commission meetings and activities shall be governed by *Robert's Rules of Order*.

Article VIII Amendments

Proposed by-law amendments shall be circulated to all Commission members at least 14 days prior to the meeting at which they will be voted upon. Amendments may be adopted at any official Commission meeting and must be in compliance with any State legislation affecting this Commission.

Approved by the Commission during meeting of May 19, 2020.

*Amended July 2003

*Amended June 2007

*Amended September 2007

*Amended May 19, 2020