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 12 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.

Effective July 2003, legislation was passed by both chambers and signed into law by the Governor to amend Title 29, Delaware Code that added two members to the Delaware Nursing Home Residents Quality Assurance Commission. One member is to represent the Long Term Care Association and will be appointed by the Speaker of the House. One member is to represent the Hospital Association and will be appointed by the President Pro Tempore of the Senate. These two members serve at the pleasure of their appointing authorities.

The other eight members shall be appointed by the Governor and shall include a representative of the developmental disabilities community protection and advocacy system established by the United States Code, and shall also include representatives of the following: consumers of nursing home services, nursing home providers, health care professionals, law enforcement personnel and advocates for the elderly. Initial appointments of these members shall be as follows: 2 members for a 1-year term; 3 members for a 2-year term; and 3 members for a 3-year term. Each succeeding term shall be for 3 years.

Upon expiration of a Commission member’s term, he or she may continue to serve as an active, voting member until such time as a replacement is appointed.

The Chairperson of the Commission shall be designated by the Governor.

At least 6 but no more than 7 members of the Commission shall be affiliated with 1 of the
major political parties and at least 5, but no more than 6, of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other. Membership shall be distributed so that there are Commission members from all three Delaware counties and the City of Wilmington.

Commission members shall serve without compensation, except that they may be reimbursed by the Commission, Administrative Offices of the Courts, for reasonable expenses incident to their duties as members of this Commission to the extent funds are available and in accordance with State law.

The staff, as funded through the Annual State budgetary process, shall be utilized by the Commission and the Attorney General’s office shall provide legal advice.

**Article III**

**Duties**

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 Long Term Residents Protection (DLTCRP), The Ombudsman’s Office (DAAPD), Public Health, Division of Medicaid and Medical Assistance (DMMA) and the Attorney General’s Office (AG);

b. Monitoring data presented to the DNHRQAC by agencies responsible for the oversight of the delivery of LTC Services in Delaware. 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;

c. 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;

d. Protecting the privacy of nursing home residents including following the guidelines for confidentiality of records to be established by the Division of Long Term Care Residents Protection;

e. Preparing and publishing an annual report to include aggregate data with comprehensive analysis and monitoring of trends in the quality of care and life of nursing home residents, and submitting such report to the Governor, the Secretary
and 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 requested 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. The 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. A simple majority of Commission members shall constitute a quorum. A majority of the members present and voting shall be required for action.

Commission members may designate proxies to attend meetings on their behalf, but such proxies shall not have voting rights and shall not 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 and shall follow the guidelines for confidentiality of records to be established by the staff.

**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 at its January 9, 2001 Meeting
*Amended July 2003
*Amended June 2007
*Amended September 2007

Rev. September, 2007