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DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION  
Eagle's Law Staffing Ratio Waiver Subcommittee

In-person & Virtual Meeting

Cisco Webex

Anchor Location: The Vero @ Newark

924 Barksdale Rd Newark, DE 19711

**Meeting of February 2, 2024 @ 10:00 AM**

FINAL

Subcommittee members present: Norma Jones, Kori Bingaman, RN, NHA and Cheryl Heiks.  
Subcommittee members attended virtually, and a quorum of subcommittee members were present.

Subcommittee members not in attendance: Dr. Melissa Winters, PsyD.

Others Present: Margaret Bailey, DNHRQAC Executive Director (in-person), Lisa Furber, DNHRQAC Chair, Mary Peterson, RN & DNHRQAC member and Ruth Ann Lander, RN.

1. Call to order

This meeting was called to order at 10:09 am.

2. Approval of minutes

The meeting minutes draft of January 11, 2024 were approved as written.

3. Discussion of:

Ms. Bailey mentioned she was advised that a representative from DHCQ and DHSS technology group was not able to attend this meeting. It was shared that Department of Health and Social Services (DHSS) currently has 4 large critical projects and therefore not available to take on another project at this time.

Ms. Bailey reminded subcommittee members that she was previously advised the Judicial Information Center (JIC) is not able to assist with this project either due to lack of staff resources and/or other pressing projects.

Ms. Peterson, DNHRQAC member, shared draft of a staffing ratio waiver form she developed using the list of questions created previously by Dr. Winters and commented on by DHCQ.

DNHRQAC Eagle's Law Staffing Ratio Waiver Subcommittee members and other DNHRQAC members began discussing the content of the waiver form draft.

Intermittently, there was internet connection issues at the host's location.

**Action Items:**

1. Ms. Peterson will modify waiver form draft to include feedback presented during this meeting.
2. After modifying form, Ms. Peterson will send a copy of the revised form to subcommittee members.
3. Ms. Heiks will send copy of revised staffing ratio waiver form draft to Delaware Health Care Facilities Association (DHCFA) board members for feedback (to provide feedback in a week). \* **During approval of meeting minutes, Ms. Heiks asked minutes to reflect that she doesn't recall making a promise to gather information from DHCFA Board members within a week.**
4. Ms. Heiks will compile board members feedback and share with subcommittee members.
5. Subcommittee members will review feedback and continue discussion during next subcommittee meeting.
6. Once a draft is finalized by the subcommittee, the draft waiver form will be brought forward to the full Commission for a vote. Before a final vote, the subcommittee will send waiver form to DAG Patrick Smith for feedback/approval, too.

Ms. Furber, mentioned she is currently working on revising DNHRQAC By-Laws to include language relating to the subcommittee's and maintaining a quorum.

Ms. Furber offered to put together a preliminary list of things this subcommittee will need to focus on and complete before June 30, 2024, including timelines, AG review, training, setting up a dedicated email address, data storage, etc. She also suggested members might want to meet more frequently than once a month to be able to complete this project on time.

Additionally, Ms. Furber stated there might need to be some legislative changes made relating to DNHRQAC Eagle's Law Ratio Waiver Subcommittee approval process. She is concerned with the ability of the Commission to be able to develop a process and make decisions on a waiver in a timely fashion if applications will need to be processed during a public meeting that includes: posting of meeting on Public Meeting Calendar (PMC), securing an anchor location, preparing meeting minutes, etc.

Ms. Furber shared examples of internal division committees that don't need to abide by open public meeting laws: mortality review, rights restrictions and rights complaints, to name a few. Ms. Furber will research further about how those committees' function (policies & procedures) and able to operate without open public meeting law obstacles. Ms. Furber added that waiver details will be publicly available, however not necessarily during the actual meeting since it could potentially delay waiver decisions if the meeting needs to be held publicly. As a result, Ms. Furber mentioned perhaps this situation could possibly be addressed through a policy or procedure instead of legislatively.

Ms. Peterson stated once a waiver has been established, it is important to have a consistent member of DHCQ join DNHRQAC when looking at waiver requests so they can answer further questions or provide additional data. Ms. Furber agreed and added a dedicated number of commission members will also need to be willing and available to process waiver requests.

**Action Item:** Ms. Furber will research policies & procedures relating to other committees who do not need to host an open public meeting to decide an outcome or action. She will report back the findings.

## 2. Public Comment

No members of the public elected to provide public comment.

## 3. Next Meeting

The next DNHRQAC Eagle's Law Staffing Ratio Waiver Subcommittee will be held on Friday March 1, 2024 @ 1:00 pm. In-person and virtual attendance options will be available. The meeting information will also be posted on the Delaware Public Meeting Calendar.

4. Adjournment

The meeting was adjourned at 12:06 pm.

Attachments: 2/2/2024 Eagle's Law Staffing Ratio Waiver Subcommittee Meeting agenda  
1/11/2024 Eagle's Law Staffing Ratio Waiver Subcommittee Meeting minutes draft  
Waiver Form draft