
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION
(DNHRQAC)

Eagle's Law Staffing Ratio Waiver Subcommittee

In-person & Virtual Meeting

Cisco Webex

Anchor Location: Delaware Community

Legal Aid Society, Inc

820 Walker Rd

Dover, DE 19904

Meeting of July 12, 2024 @ 10:00 am

FINAL

Subcommittee members present: Norma Jones; Dr. Melissa Winters, PsyD; Lisa Furber, Chair and Mary Peterson, RN. Subcommittee members attended virtually, except for Lisa Furber who hosted the meeting @ anchor location. A quorum of subcommittee members was present.

Subcommittee members not in attendance: Cheryl Heiks. DHCQ representative was also not in attendance.

Others Present: Margaret Bailey, DNHRQAC Executive Director.

1. Call to order

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

2. Approval of minutes

Meeting minutes draft of June 21, 2024 was approved as written. One subcommittee member abstained from voting on the meeting minutes since they did not attend the 6/21/2024 subcommittee meeting.

3. Discussion of:

Timelines

Subcommittee members mentioned that since the Joint Finance Committee (JFC) extended the staffing ratio per shift requirements until 1/1/2025, it will give the group time to refine some details relating to the waiver application and process.

There was discussion about updating the waiver materials and timelines by October 2024. This would also include sending updated materials to Delaware Health Care Facilities Association (DHCFA), LeadingAge and Division of Health Care Quality (DHCQ) by October 2024 so the information can be disseminated to all Delaware licensed nursing homes.

During the next full DNHRQAC Meeting, subcommittee members are going to recommend adding a one-hour meeting in October 2024 to vote on the modified waiver materials such as the PowerPoint Presentation and application. Additionally, subcommittee members suggested the full Commission may want to meet monthly until January 2025 to avoid any delays.

Action Item: Subcommittee members will suggest during the next full Commission meeting about altering the full meeting schedule until January 2025.

Waiver Application Reviews

Subcommittee members asked how waiver applications can be processed in an objective way and follow a more formalized decision pathway.

During last DNHRQAC Eagle's Law Staffing Ratio Waiver Subcommittee Meeting, members asked Ms. Bailey to reach out to Dr. Winters to see if she could provide mapping assistance.

Waiver Application Rubric/Mapping

Dr. Winters walked subcommittee members through a decision pathway document she prepared as a starting point. Subcommittee members received a copy of the draft document prior to the meeting.

After looking at core components outlined in the waiver application, Dr. Winters shared her thoughts and asked questions to help further define the scoring/mapping rubric of waiver decision pathway. Subcommittee members discussed a waiver application scoring system based on core components including compliance concerns, Director of Nursing (DON) change, agency usage, underlining cause(s) and proposed solution(s). The higher the score, the more areas of concern have been identified. The subcommittee would need to define what the score means in terms of approval or denial.

There were 3 proposed areas identified within the waiver application pathway:

1. Critical Areas: Captures objective data on nationally recognized/evidence-based factors related to staffing and resident safety. The subcommittee would need to choose what the factors are and where the data would come from.
2. Voice of the Customer: Allows DNHRQAC to capture any concerns raised by residents, families, etc.
3. Others: Allows DNHRQAC to capture anything else, such as whether the facility has applied for waivers before, etc.

Additionally, subcommittee members discussed whether there are any deal breakers in the waiver application that may lead to a denial regardless of the score.

The subcommittee discussed contacting Long Term Care Ombudsman Program (LTCOP) for help regarding the "Voice of the Customer." Concerns were raised about LTCOP's limited staff and resources.

Subcommittee members were encouraged to review the decision pathway document again before the next subcommittee meeting.

Action Item: Ms. Bailey will contact LTCOP to see if someone can attend the next subcommittee meeting to discuss the "Voice of the Customer" in more detail.

Posting of Waiver Applications

Subcommittee members discussed the possibility of facilities notifying staff, residents or family members when applying for a waiver, but acknowledged the enforcement may be challenging.

There was also discussion about posting waiver decisions on DHCQ's webpage or finding another way to disseminate the information publicly.

Waiver Team – Liability

Concerns were raised about member liability and the need for more definitive information from DNHRQAC Deputy Attorney General (DAG), Patrick Smith, Esquire. Members discussed the need to update Eagle’s Law to reflect liability and appeals process.

Action Item: Ms. Furber will contact DAG Smith with subcommittee questions/concerns.

4. Public Comment

No members of the public participated in this subcommittee meeting.

5. Next Meeting

The next DNHRQAC Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting will be held on August 9, 2024 @ 10:00 am. In-person and virtual attendance options will be available. Meeting information will be posted on the Delaware Public Meeting Calendar.

6. Adjournment

The meeting was adjourned at 11:43 am.

Attachments: 7/12/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting agenda
6/21/2024 Eagle’s Law Staffing Ratio Waiver Subcommittee Meeting minutes draft
Decision Pathway/Mapping Document (Dr. Winters)