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*Delaware Nursing Home Residents  
Quality Assurance Commission*

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**DNHRQAC Meeting of April 15, 2025**

**9:30 a.m.**

**Virtually via Cisco Webex**

**Anchor Location: DE CLASI – Georgetown**

**20151 Office Circle**

**Georgetown, DE 19947**

**FINAL**

Commission member(s) present: Lisa Furber, DNHRQAC Chair; Cheryl Heiks; Norma Jones; Mary Peterson; Dr. Melissa Winters, PsyD; Hooshang Shanehsaz, RPH; Jennifer McLaughlin, OT; Kori Bingaman, RN, NHA; Chris Marques, Esquire; Brandon Williams (proxy for Senator Mantzavinos) and Dr Avani Virani, MD.

Deputy Attorney General (DAG) Patrick Smith, Esquire was also in attendance.

Commission members not in attendance: Brian Frazee and Representative Eric Morrison.

Ms. Peterson and Ms. Furber attended in-person @ the anchor location. The remainder of meeting participants attended virtually. A quorum of commission members was present.

Others Present: Margaret Bailey, DNHRQAC Executive Director; Kevin Andrews, Rob Smith, DHCQ; Jules Villecco, DE Healthcare Assoc; Sean Dwyer, DE Valley Alz Assoc; Corinna Getchell, DHCQ; Denise Elliott, DHCQ; Geraldine Stewart, DHCI; Alexa Wolf, DHCI; Megan Glassner, LeadingAge; Kim Reed, DHCQ; Dhritee Patel, Public; Rebecca Famularo, Public; Kurtis Jones, Public; K Dafonte, Public; a Pike Creek facility (not identified); Steven Constantino, DHSS; Robert Stewart, Public; Paul Smiley, Gilpin Hall; Jacqueline Johns, Public; Staci Marvell, DMMA and 3 individuals attended by phone and/or an alexa device (not identified).

1. Call to Order

This meeting was called to order @ 9:35 am by DNHRQAC Chair, Lisa Furber.

2. Approval of the meeting minutes

Meeting minutes draft for 2/18/2025 were approved as written.

3. Discussion of

1<sup>st</sup> Qtr 2025 Quality Assurance Review Team (QART) Report

Rob Smith, DHCQ Licensing Administrator, presented 1<sup>st</sup> Qtr 2025 QART Report. A copy of this report was forwarded to commission members a few days before this meeting. The surveys that appear in this quarter's report have been closed. 17 "G" level or higher deficiencies were recommended by surveyors. After QART review, one of the deficiencies was downgraded and 16 deficiencies were upheld.

Ms. Peterson asked about previous questions raised by DNHRQAC members relating to QART Reports where a response was not provided by the Division. Additionally, multiple questions were raised by DNHRQAC members about this quarter's report. DHCQ advised they would provide a follow-up response to the questions raised during this meeting.

Ms. Furber mentioned it was her observation that the number of “G” level citations that were captured in this quarter is very concerning.

#### 1<sup>st</sup> Qtr 2025 Staffing Report (applies to SNFs only)

Rob Smith, DHCQ Licensing Administrator, provided 1<sup>st</sup> Qtr 2025 Staffing Report. A copy of this report was forwarded to DNHRQAC members the day before this meeting.

During this quarter, one facility was out of compliance for 2 days relating to the 3.28 Hours Per Resident Per Day (HRPD) minimum mandate per Eagle’s Law. The facility was identified in the report.

Effective January 1, 2025, a separate component of Delaware’s Eagle’s Law was restarted/unpaused since the COVID19 pandemic which requires all skilled nursing facilities (SNF) to meet specific staff to resident ratios per shift as outlined in the Delaware (DE) Code. This requirement applies to the skilled nursing homes only.

After reviewing the 1<sup>st</sup> Qtr 2025 shift ratios for Registered Nurses (RNs)/Licensed Practical Nurses (LPNs) to residents, there were 4 SNFs that did not meet the required day time staffing ratios outlined in DE Code. Mr. Smith stated this facility was cited for noncompliance.

After reviewing the Certified Nursing Assistants (CNA) staff shift ratios to residents during this quarter, there were multiple facilities that did not meet the day shift staffing requirements mandated per DE Code. Mr. Smith stated that all of the noncompliant facilities were cited. Mr. Smith added that the fine for noncompliance is \$2k/day when implemented.

Mr. Smith further added that enforcement is based on the Division reviewing a weeks’ worth of staffing data. There are 2 staffing phases that facilities can use pertaining to Eagle’s Law. It appears all SNFs are using phase 2 which requires a calculation for a weeks’ worth of staffing data. Phase 1 requires staffing data daily and permission by DHCQ.

Ms. Heiks asked about using a RN/LPN to complete CNA duties if a SNF is in a bind due to a call out, for example.

Ms. Bingaman shared that documentation is required when an RN/LPN is serving in a CNA capacity. This is done on the 24-hour reporting sheet. All staffing must be posted within the facilities.

#### 1<sup>st</sup> Qtr 2025 Top Citations

##### SNFs

F812 - Food Procurement, Store/Prepare/Serve Sanitary

F657 - Care Planning Timing and Revision

F880 - Infection Prevention and Control

F641 - Accuracy of Assessments

F609 - Reporting of Alleged Violations

##### ALFs

19.0 - Records and Reports

12.0 - Services

16.0 - Staffing

9.0 - Infection Control

11.0 - Resident Assessment

Mr. Rob Smith shared that during 1<sup>st</sup> Qtr 2025, DHCQ imposed enforcement actions for 6 Delaware licensed facilities which included: monitors (3 SNFs & 2 ALs), Federal temporary management (1 SNF), modified ban on admissions (1 AL), ban on new admissions (2 ALFs) and temporary management (1 ALF). Mr. Smith advised that all the enforcement actions imposed by DHCQ are still presently in place for all 6 licensed facilities. Could these enforcement actions be posted on the DHCQ website so the public is aware?

1<sup>st</sup> Qtr 2025 Exigent Circumstances (applies to SNFs only)

Mr. Rob Smith, DHCQ Licensing Administrator, shared 1<sup>st</sup> Qtr 2025 information to the Commission. During this period, 6 SNFs notified the Division a total of 26 times relating to exigent circumstances. The main reason provided: Director of Nursing (DON) or Assistant Director of Nursing (ADON) assuming care due to last minute call outs or no replacement staff available.

DHCQ updates

During 1<sup>st</sup> Qtr 2025, the Division conducted the following number of annual, complaint and follow-up SNF and Assisted Living Facility (ALF) surveys:

	<u>SNFs</u>	<u>ALFs</u>
	16 annual (7 by contractor)	11 annual
	9 complaint	4 complaint
	<u>6 follow-up</u>	<u>4 follow-up</u>
Total	31	19

As of 4/14/2025, the Division has the following staff vacancies: 4 compliance nurses within the Office of Long-Term Care Residents Protection, 2 staff positions (Special Investigator & ERP Systems Specialist) within the investigation section and 1 compliance nurse within the Office of Health Facilities Licensing and Certification (OHFLC) Section.

The Background Check Center’s (BCC) current go-live date is 11/26/2025. The Division still offers manual fingerprinting at 2 locations: Newark (by appointment only) and Georgetown.

The Wellsky Incident and Reporting System was implemented in January 2025. The Online Incident Reporting form is used to report complaints, reportable incidents, and alleged abuse, neglect, mistreatment or financial exploitation including rights complaints and HIPAA violations.

CNA Schools

Due to time constraints and learning the presenter was not available, this item was moved to the next full Commission meeting’s agenda.

Long Term Care Ombudsman Office

Due to time constraints, commission members moved this item to the next full Commission meeting agenda.

4. Executive Session

Commission members went into virtual executive session @ 10:26 am to discuss personnel matters. The executive session ended @ 10:40 am.

After returning to the public meeting, a motion was raised and seconded to extend a job offer to candidates that applied for the f/t Administrative Specialist position and c/s data analyst III positions recommended by DNHRQAC Hiring Committee. 10 commission members voted “yes”, and 1 member/proxy “abstained”.

5. Old Business/New Business

Eagles Law Staffing Ratio Waiver Applications

Ms. Furber mentioned there have not been any waiver applications submitted as of this meeting.

DNHRQAC Grant-In-Aid FY 25 Funds

A wish list of items was shared with commission members relating to spending the \$15k grant-in-aid funds allocated by Joint Finance Committee (JFC) in FY 25. After much discussion, a motion was presented to approve the wish list of items, including flexibility for some of the funds to be used if another office space was set up. The motion included striking the digital note pads. 10 members voted yes and one member (designee) was absent from voting. The motion carried.

DNHRQAC Subcommittee Updates

DNHRQAC Legislative/Advocacy:

Unfortunately, due to time constraints, this item was not able to be discussed during this meeting. As a result, updates will be provided at the next full commission meeting.

Eagle’s Law Waiver Application:

Ms. Furber advised members that since the January 1, 2025 waiver application implementation date, there have not been any applications submitted. DNHRQAC Waiver Application Decision Subcommittee has a weekly standing meeting scheduled, posted on the Delaware Public Meeting Calendar, to review applications and provide feedback on application’s disposition to the full Commission. The waiver application decision disposition meetings are cancelled, at least 2 days in advance, if there are no applications in process.

6. Public Comment

Steven Constantino provided public comment and mentioned he appreciates support for DHCQ. He recommends DNHRQAC to send questions regarding the quarterly reports to the Division in advance of each meeting.

Paul Smiley provided public comment. He stated DHCQ’s manual fingerprinting appointment window is small - 5 minutes. Additionally, he’d like to see more pressure placed on advancing the BCC implementation. Finally, Mr. Smiley mentioned the staffing form is misleading.

Robert Stewart provided public comment relating to the quarterly reports and feedback relating to DHCQ’s oversight.

Kevin Andrews provided public comment relating to the quarterly reports and had some questions. Ms. Bailey politely reminded everyone that this section of the meeting was a chance to provide public comment. If anyone has specific questions, they should be forwarded to the appropriate State agency.

7. Next DNHRQAC Meeting – May 20, 2025 @ 9:30 am. This meeting will be conducted via virtual platform and in-person anchor location. Meeting invite and details will be forwarded to commission members & available on the Delaware Public Meeting Calendar.

8. Adjournment

This meeting was adjourned at 12:25 pm.

Attachments: DNHRQAC Meeting of 4/15/2025 – meeting agenda  
DNHRQAC Meeting of 2/18/2025 – minutes draft  
DNHRQAC FY 25 Grant-In-Aid Funds Spending Wish List - draft  
1<sup>st</sup> Qtr 2025 QART Report  
1<sup>st</sup> Qtr 2025 Staffing Report  
DHCQ PowerPoint Presentation