
DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION (DNHRQAC)
Legislative/Advocacy Subcommittee
In-person & Virtual Meeting
Zoom
Anchor Location: DE CLASI Dover
840 Walker Rd
Dover, DE 19904
Meeting of May 28, 2025 @ 11:00 am
FINAL

Subcommittee members present: Lisa Furber, Cheryl Heiks (anchor location) and Chris Marques, Esquire, Dr. Avani Virani, MD and Mary Peterson. The majority of subcommittee members attended virtually. A quorum of subcommittee members was present.

Subcommittee members not in attendance: Not applicable.

Others Present: Margaret Bailey, DNHRQAC; Ngozi Dom-Chima, DNHRQAC; Tiffiney Butcher, DNHRQAC; Karen Crowley, DHCQ; Jessica Nieves, RN and Crystal Jones, DHCQ.

1. Call to order

This meeting was called to order at 11:03 am.

2. Approval of minutes

The subcommittee meeting minutes draft of March 14, 2025 were approved as written. There was a motion, it was seconded and carried. One subcommittee member abstained from voting.

3. Discussion of:

Background Check Center (BCC)

Karen Crowley and Crystal Jones provided testimony regarding the BCC. Background Check Center is an electronic system which combines data streams from various sources within and outside the State in order to assist an employer in determining the suitability of a person for employment in a long-term care facility, home care agency, or prescribed pediatric extended care center.

The following updates were shared with subcommittee members:

- New BCC is ¾ built, will have a streamlined process.
- There have been barriers impacting the project that have caused a delay in rolling out the new BCC.
- There were delays due to outside dependencies with tunneling relating to IT connectivity – Department of Technology & Information (DTI); State Bureau of Identification (SBI) & Delaware Criminal Justice Information Center (DELJIS) that were outside DHCQ's scope.
- It is DHCQ's understanding the new BCC will continue using the same duration it has been using for background checks. Legislation will need to be introduced if there is going to be a change in how long a criminal background check is good for.

- Rapback covers activities somewhere in between, not necessarily criminal history. This captures arrests not convictions. DHCQ receives roughly 70-100 notifications a week. An example provided: fishing without a permit. This isn't a disqualifier, but a notification is sent.
- Original fingerprinting still applies if an employee leaves to work elsewhere.
- Service letters are going away. They have been a tool so bad apples don't keep rolling through the system. DHCQ stated this is a Department of Labor issue.
- A "Go Live" date has not been established. DHCQ hopes to go live with the new BCC before 2026.
- Convictions not arrests are disqualifiers in long term care/home health care. The reason for this is because DHCQ does not know the disposition of a particular charge.

Ms. Heiks asked if the background check for long term care and home healthcare is currently 6 months. Ms. Jones mentioned in 2018 the State police agreed to 6 months instead of 3 years. The purpose was to have as much real time as possible. This has helped to fill gaps in potential incidents relating to real time criminal data. Ms. Peterson asked if it just convictions as disqualifiers, not arrests?

There was additional discussion regarding IndentiGo and other places that provide fingerprinting services to streamline the process. IndentiGo offers an electronic version of fingerprinting. DHCQ still offers manual fingerprinting in Newark and Georgetown (Thurman State Service Center), with an appointment.

Subcommittee members suggested sending a letter regarding the BCC to DHSS Cabinet Secretary, Dept of Labor Cabinet Secretary, State Police, DELJIS, SBI & Delaware General Assembly. The letter will express concern regarding the loss of service letters in the BCC and to ask they reconsider removing service letters from the BCC. The motion was seconded and a roll call vote was conducted that unanimously supported sending a letter. This subcommittee will present the draft letter to the full commission for consideration. Ms. Furber and Ms. Bailey will work on draft letter.

Ms. Heiks offered to share a letter written by Delaware Health Care Facilities Association (DHCFA) board member, Paul Smiley, regarding the BCC.

Ms. Peterson asked DHCQ to clarify hiring someone after it's known they have an event that disqualified them from working in long term care. DHCQ stated it's still up to the provider if they would like to hire someone knowing they have a disqualifier. Ms. Peterson provided an example: someone convicted of rape of an elderly individual in a nursing home. DHCQ said they would send employer a non-disqualifying letter to the employer, however employer could still hire the person. Ms. Jones commented "The Division provides the required information to the employer however the liability does not fall on DHCQ."

Ms. Jones stated DHCQ cannot stop an employer from hiring someone.

Action Item: After discussion, it was suggested this subcommittee might want to revisit the topic of disqualifications from employment as part of its advocacy efforts.

Ms. Crowley mentioned she will share the Commission's sentiments with DHCQ Director Getchell.

4. Public Comment

Ms. Jessican Nieves, a Wilmington University Family Nurse Practitioner, shared her observation regarding the energy and passion expressed by commission members during the meetings. She further thanked commission members for their advocacy.

5. Next Meeting

The next DNHRQAC Legislative/Advocacy Subcommittee Meeting will be held on Friday July 11, 2025 @ 10:00 am. In-person and virtual attendance options will be available. The meeting information will be posted on the Delaware Public Meeting Calendar.

6. Adjournment

The meeting was adjourned at 12:12 pm

Attachments: DNHRQAC Meeting of 5/28/2025 - agenda
DNHRQAC Legislative/Advocacy Subcommittee Meeting of 3/14/2025 – minutes draft