
***Delaware Nursing Home Residents
Quality Assurance Commission***

DNHRQAC Meeting of July 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; Kori Bingaman, RN, NHA; Chris Marques, Esquire and Senator Spiros Mantzavinos.

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

Commission members not in attendance: Dr Avani Virani, MD; Hooshang Shanehsaz, RPH; Brian Frazee and Representative Eric Morrison.

Ms. Furber and a few members of the public attended in-person @ the anchor location. The remainder of meeting participants attended virtually or by phone. A quorum of commission members was present.

Others Present: Margaret Bailey, DNHRQAC; Ngozi Dom-Chima, DNHRQAC; Kevin Andrews, Public; Annette Moore, The Moorings @ Lewes; Paul Smiley, Gilpin Hall; K Bumgamer, Public; Sean Dwyer, DE Valley Chapter Alz Assoc; Alexa Wolf, DHCI and RuthAnn Landers, Public; Corinna Getchell, DHCQ; Denise Elliott, DHCQ; Rob Smith, DHCQ; Aleen Wilker, DHCQ; Kim Reed, DHCQ; Faith McCarrick, LeadingAge DE/NJ; Logan Vitolo (Jarrett), Public; Jessica Neives, Public and Loretta Lostroski, Beebe.

1. Call to Order

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

Ms. Furber publicly thanked commission member, Jennifer McLaughlin, OT for her service on the commission. Ms. McLaughlin's Governor appointed term ended July 11, 2025. Members echoed the sentiment and wish her well in her future endeavors.

2. Background Check Center Letter: follow-up

Last month, the Commission sent a letter to Delaware Department of Health and Social Services (DHSS) Cabinet Secretary, Delaware General Assembly members (all legislators), Department of Labor Secretary, Delaware State Police and Division of Health Care Quality (DHCQ) outlining concerns relating to the Background Check Center. During today's meeting, commission members discussed the response they received from DHSS Cabinet Secretary regarding the letter. DNHRQAC Legislative/Advocacy Subcommittee members mentioned they plan to invite Department of Labor to the subcommittee's August 2025 meeting to discuss service letters.

3. Old Business/New Business

DNHRQAC Statute Legislation

Senate Bill (SB) 155 w/Senate Substitution (SS) 2 was passed in both legislative chambers last month and awaiting Governor Meyer's signature. Senator Mantzavinos and DAG Patrick Smith,

Esquire stated the Act to amend Title 29 of Delaware Code relating to DNHRQAC takes effect 90 days after enactment into law.

FY 26 Budget

Lisa Furber & Ngozi Dom-Chima shared updates regarding DNHRQAC Fiscal Year (FY) 26 budget, which began July 1, 2025. A one-time supplemental amount of \$4,500 (additional) funds were approved by the General Assembly for office supplies, travel and contractual expenses. This request was submitted as an annual appropriation for the operational budget but was added as a one-time supplemental appropriation.

Additionally, DNHRQAC was awarded \$15,200 of Grant-in-Aid (GIA) funds to conduct a resident, family and staff satisfaction survey/questionnaire.

Ms. Dom-Chima provided a brief overview of the satisfaction survey which will be conducted in Delaware skilled nursing facilities (SNF) and assisted living facilities (ALF) within the next couple of months. The project timelines are being finalized and further details will be forthcoming.

FY 27 Budget Requests and Door Openers

DNHRQAC members discussed FY 27 budget requests and door openers. A motion was raised, seconded and approved relating to the following FY 27 budget requests:

1. Convert casual seasonal (c/s) data analyst staff position to fulltime (f/t)
2. Request 5% increase in travel, contractual and supplies (also need to move the FY26 increase of \$4,500 line items from one-time to operating/annual budget).
3. Request \$1,500 for network port
4. Request \$3,000 for staff development

Ms. Bailey will forward FY 27 budget request to Administrative Office of the Courts (AOC) before the due date (7/28/2025).

CY 26 DNHRQAC Meeting Schedule

The DNHRQAC full Meetings are held on the third Tuesday, monthly. A copy of CY 26 meeting schedule draft was introduced. Ms. Further mentioned since there was no objection, DNHRQC will move forward with the 2026 meeting schedule as presented. Commission members were encouraged to let DNHRQAC staff know if the meeting schedule needs to be revisited.

Mr. Marques suggested the members consider implementing a “hard start time” for individuals scheduled to present during commission meetings.

Emergency Preparedness Heat Mitigation Toolkit for Long Term Care

Commission members briefly discuss this new toolkit and whether it would be something the Commission may want to encourage the Division of Health Care Quality (DHCQ) to purchase for Delaware facilities, using Civil Monetary Penalty (CMP) Funds.

Ms. Heiks offered to reach out to American Health Care Association (AHCA) to see if this toolkit would be beneficial for the commission and forward a free copy of the toolkit. Ms. Heiks mentioned the toolkit is available for all AHCA members (only 1 Delaware facility is not a member). Regardless of membership, Ms. Heiks stated DHCFA shares resources and training materials to all licensed Delaware facilities.

4. Discussion

2nd Qtr 2025 Quality Assurance Review Team (QART) Report

Mr. Rob Smith, DHCQ Licensing Administrator shared results relating to the second quarter of 2025. During this period, there were 13 “G” level or higher deficiencies recommended by the surveyors. After QART review, all deficiencies were upheld. A copy of the report was forwarded to Commission members a week before this meeting.

2nd Qtr 2025 Staffing Report

Mr. Rob Smith, DHCQ Licensing Administrator, provided staffing details relating to the 2nd Qtr 2025. Skilled nursing facilities are required to maintain at least 3.28 hours per resident per day (hprd) per Eagle’s Law. “Most facilities opt to use phase 2 to calculate hprd, which is a weekly average” per Mr. Smith.

In addition to mandated 3.28 hprd, there is a staff to resident ratio that needs to be met per shift for certified nursing assistants (CNA) and Licensed Practical Nurse/Registered Nurse (LPN/RN).

The 2nd Qtr 2025 Staffing Report, which includes data relating to staff to resident ratios, was provided to the Commission a week before this meeting.

After identifying deficient staffing practices below 3.28 hprd, Mr. Smith stated 2 facilities are going to be imposed civil monetary penalties (CMP).

The staffing reports also identified facilities this quarter that were & were not in compliance with the staffing ratio shift requirements per DE Code.

There was discussion about how nursing staff would be calculated if personnel serve in a different position, such as a CNA. Mr. Smith advised that the staffing worksheet was recently revised and going forward, the Division will capture this information, to determine compliance. The revised form is effective 7/1/2025.

2nd Qtr 2025 Exigent Circumstances

Mr. Rob Smith, DHCQ Licensing Administrator, provided information relating to the exigent circumstance form. During 2nd Qtr 2025, 3 SNFs (totaling 18 occasions), notified DHCQ about exigent circumstances that impacted their building. The facilities are required to notify DHCQ within 24-hours of the exigent circumstance.

Mr. Smith mentioned the exigent circumstance form has recently been revised. A copy of the updated form will be sent to the Commission.

DHCQ Updates

Ms. Corinna Getchell, DHCQ Director, provided updates relating to the Division:

*As of 7/15/2025, DHCQ has 11 staff vacancies: LTC Section = 5, Investigative Section = 4 and Office of Health Facilities Licensing & Certification (OHFLC) = 2.

*The Background Check Center is anticipated to go live – 11/26/2025.

*Manual fingerprinting sites: Newark & Georgetown.

*Wellsky system was implemented January 2025.

During 2nd Qtr 2025, data relating to annual, complaint and follow-up surveys:

	<u>SNF</u>	<u>ALF</u>
	11 annual	2 annual
	17 complaint	7 complaint
	<u>7 follow-up</u>	<u>2 follow-up</u>
Total	35	11

Top 5 citations during 2nd Qtr 2025:

<u>SNF</u>	<u>ALF</u>
F812 Food Procurement/storage/prepare	19.0 Records/Reports
F880 Infection Control	12.0 Service
F657 Care Planning/Timing/Revisions	16.0 Staffing
F 690 Bowel/Bladder	9.0 Infection Control
F 684 Quality of Care	11.0 Resident Assessment

Monitors and Temp Managers

DHCQ can impose certain enforcement actions based on the seriousness of the violation. During 2nd Qtr 2025, the following remedies for noncompliance were imposed for 3 SNF and 4 ALF:

Ban on new admissions – 3 facilities
Modified ban on new admissions – 2 facilities
Monitors – 5 facilities
Federal temporary management – 1 facility
Temporary management – 1 facility
7 facilities with enforcement actions imposed

Ms. Heiks mentioned a monitor helps a facility to gain compliance whereas a management company takes over/in charge.

Mr. Smith stated the Division has weekly calls with the facilities that were imposed noncompliance enforcement actions. Additionally, the monitoring companies are required to send DHCQ progress reports.

Certified Nursing Assistant (CNA) Schools

Ms. Aleen Wilker, DHCQ CNA Compliance Nurse, provided information relating to Delaware CNA Schools. The Division contracts with Prometric, who is the CNA testing data repository.

Currently, 5 hours of CNA School (theory) time focuses on abuse training and 8 hours of classroom time is devoted to dementia training.

CY 24

24 approved CNA programs, 3 schools were added and 1 school removed.
Pass rate average = 85%. Lower test scores due to language barriers.
Trama informed care was added to the curriculum.
October 2024 – 6,317 active Delaware CNAs (95% work in SNF/ALF)
Processed 150 incoming CNA certification reciprocity requests

CY 25

2 new schools under review (anticipating both will be approved - August 2025).

No pass rate data provided.

The Division also contracts with Relias for CNA training opportunities and CNA certification tracking.

Ms. Wilker mentioned the clinical hours for CNA students was reduced from 75 to 16 hours during COVID19 pandemic. Commission members expressed concern with the current number of clinical hours and reminisced about a letter they sent not long ago to DHSS on this topic.

Commission members asked Ms. Wilker if some data point type questions could be added to the CNA recertification paperwork. DNHRQAC members will discuss this internally and then submit a request to DHCQ for consideration.

DNHRQAC Subcommittee Updates

DNHRQAC Legislative/Advocacy:

The next subcommittee meeting will be held on June 20, 2025 @ 10:00 am. There are several items this group has been discussing including the background check center and Senate Bill (SB) 155, relating to changes for DNHRQAC statute.

A spreadsheet this subcommittee uses to track legislation was shared with commission members.

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.

Ms. Heiks offered to add information about the staffing ratio waiver application to Delaware Health Care Facilities Association newsletter.

DNHRQAC members also suggested it might be a good idea to have this added to the DHCQ quarterly meeting on August 6, 2025 @ 11:00 am with Delaware skilled nursing facilities (SNF).

5. Public Comment

Mr. Paul Smiley provided public comment relating to the background check center and service letters. He also shared his opinion about implementing ALF staffing ratios.

6. Next DNHRQAC Meeting – August 19, 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.

7. Adjournment

This meeting was adjourned at 11:52 am.

Attachments: DNHRQAC Meeting of 7/15/2025 - meeting agenda
DNHRQAC FY 26 Appropriations
DNHRQAC FY 27 Budget Requests & Door Openers
2nd Qtr 2025 QART Report
2nd Qtr 2025 Staffing Report
DNHRQAC CY 26 full Meeting Schedule draft
Approved CNA Schools
Restricted CNA Clinical Sites