
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 August 22, 2025 @ 9:30 am

FINAL

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

Subcommittee member(s) not in attendance: Dr. Avani Virani, MD.

Others Present: Margaret Bailey, DNHRQAC; Ngozi Dom-Chima, DNHRQAC; Aleen Wilker, APRN, Division of Health Care Quality (DHCQ); Dyron Green, Dept of Labor (DOL); Deja Robinson, Public; Kevin Andrews, Public and Paul Smiley, Gilpin Hall and DE Health Care Facilities Association (DHCFA) board president.

1. Call to order

This meeting was called to order at 9:32 am. Meeting attendees introduced themselves.

2. Approval of meeting minutes

Meeting minutes of 7/11/2025 were approved as written. Mr. Marques suggested the committee hold off on the meeting minutes of 6/20/2025 because he said the file he received might be incomplete. Ms. Bailey will review and resend 6/20/2025 minutes draft to members so they can vote on them during the next subcommittee meeting.

3. Discussion of:

Service Letters

Dyron Green, Administrator of Labor Law Enforcement for Delaware Department of Labor (DOL), joined in a discussion around service letters, which are part of the Background Check Center (BCC) managed by Division of Health Care Quality (DHCQ). The Labor Law Enforcement Unit consists of 7 employees, responsible for enforcing 23 labor laws (which includes service letters) throughout Delaware. The unit provides education for organizations such as EasterSeals, Red Cross, JEVs, temporary staffing agencies and other larger health care providers throughout Delaware relating to service letters. The unit can fine employers for non-compliance.

Service letters are unique and only used in Delaware. A service letter, 19 Del. C. §708, is a document provided by a former to a prospective employer, detailing the employee's job performance, reason for separation, and other relevant employment history. This letter is used when the employee is seeking new employment in the childcare or healthcare industries in Delaware. Employers are required by law to utilize the BCC to screen potential employees, ensuring the safety and well-being of vulnerable populations. The system was created to streamline the hiring process while maintaining high standards of care and protection.

Service letters are crucial in childcare and healthcare industries because they help potential employers evaluate the suitability of applicants who will be working with vulnerable populations. The letters help to ensure that only individuals with a reliable work history and positive performance record are hired. The employment history captured in the letters includes the past 5 years. Employers must keep a copy of the records for 3 years. In response to Mr. Marques' question, it appears that the final decision to hire someone is up to an employer to look at service letters and decide whether they should or should not hire someone.

Ms. Peterson mentioned DHCQ has a duty to report a business for not complying with service letters to the DOL, same as reporting something to professional regulations, such as Board of Nursing. She also added that employers not receiving service letters back, should report that to DOL, too.

Mr. Green shared that sometimes service letters include information that is not correct. He added there is arbitration and mediation available for individuals to resolve in a timely manner.

Mr. Green mentioned that service letters were modified last fall and available on the DOL labor law enforcement webpage: labor.delaware.gov. He added that DOL plans to update the service letter again, soon, and will forward a copy of the newest version to the Commission and others attending the meeting. Currently, the services letters are housed within the Background Check Center (BCC) located within Delaware Health and Social Services, specifically DHCQ.

A concern was raised about the future housing of service letters. Mr. Paul Smiley added that not including service letters in the BCC isn't good for residents, staff or facilities. An example was provided regarding a recent applicant at Gilpin Hall. This individual listed 4 employers yet had 12 employers since 2020. The facility was able to review services letters in the BCC and decide not to hire this individual. Mr. Smiley further suggested participants envision what would happen if the service letters went away. Using this example, the facility would need to mail out 12 letters and allow 10 days for a response if the service letters are no longer housed in the BCC. As a result, that person could be working somewhere for at least 20 days or longer. The facility will have spent money to hire the person only to learn the person is not the best hire. He cautions this process is very dangerous, not beneficial for anyone and would like to assist with keeping the service letters in the BCC. Mr. Green agreed that the process would be cumbersome. Mr. Smiley added that instead of placing the service letter in the BCC as it stands currently, an employer instead will need to complete the service letter multiple times for every future employer. He believes it would be burdensome and not accomplishing what the service letter was intended to do.

Mr. Marques clarified that Del Code did not directly address the requirements for sending letters but instead directed DHCQ to create regulations related to the BCC. These regulations currently require sending letters to multiple employers. Mr. Green mentioned it's important to get a completed service letter from a previous employer or reference letter from a non-family member to supplement a service letter, which shows a good faith attempt/due diligence during the vetting/hiring process. Mr. Marques asked about the bare minimum relating to enforceability.

Ms. Peterson asked how Delaware is going to be sure service letters will still be included in the "new" Background Check Center (BCC). Mr. Green mentioned he and others met recently with Delaware Health and Social Services (DHSS) leadership to discuss changes to the "new" BCC. Ms. Bailey asked how DNHRQAC or legislators that recently introduced bills relating to the BCC can be included in future BCC discussions.

A question was raised about employment verifications from other States. It was mentioned that some organizations use eVerify or other employment sources.

Additionally, a unique aspect of the BCC is the "Rap-back" process which will alert investigative staff of arrests and potential disqualifiers of employees in the BCC. Title 16 §1190 (e) An employer may not employ or continue to employ an individual with a conviction deemed disqualifying by Department regulations.

A question was raised by Ms. Peterson whether DHCQ shares information that appears in the Rap-back feature with long term care facilities and ensures employees with a conviction deemed as a disqualifier are not employed or continue to be employed as stated in DHSS regulations. Ms. Peterson added that DHCQ has a disqualifying process for individuals that have "hits" on the BCC and depending on the crime, a person is disqualified from working in this field for a number of years. Her belief is that DHCQ should be responsible for monitoring this closely since it does not fall under DOL's purview and doesn't sound as though DHCQ is monitoring this either. She cautions the Commission to not lose sight of this item. Mr. Green mentioned he has heard of people being disqualified and not able to work for various reasons.

Mr. Green will forward a copy of his service letter presentation and some useful brochures to the Commission.

Subcommittee members asked Ms. Bailey to reach out to DHCQ Acting Director to see if a DNHRQAC member designee can participate in the current BCC discussions.

Certified Nursing Assistant (CNA) Recertification Workforce Data Questions

Ms. Aleen Wilker mentioned there are 28 licensed training programs or 6,400 active CNAs in Delaware. There are 2 new schools that will be opening soon provided the site surveys are satisfactory. The schools are bi-annually surveyed and can be fined for deficient practices. Ms. Wilker receives quarterly results from the Adult Abuse Registry (AAR) Committee.

There are a number of LTC facilities that have had substantial deficiencies and therefore restricted from being a clinical site for a period. There are currently 20 or so LTC facilities or hospitals that are available for the training programs.

Currently, the CNA students must complete 75 classroom hours and 16 clinical hours. The number of clinical hours was reduced during the public health emergency (COVID Pandemic). When the PHE ended, the clinical training hours were not restored back to 75 hours. At that time, DNHRQAC wrote to DHSS Cabinet Secretary about restoring the clinical hours. The Cabinet Secretary even attended a commission meeting where discussion occurred about the reduction in CNA clinical training hours. To date, the clinical training hours remain at 16 hours. Ms. Wilker mentioned there continues to be discussions about the clinical training hours. Ms. Peterson added the Commission would like to see the hours be restored, especially based on the deficiencies cited during annual and complaint surveys since the clinical hours were reduced. Members mentioned this topic should be tabled now while DHCQ and DHSS go through their leadership transition.

At a previous legislate/advocacy subcommittee meeting, Ms. Heiks offered to check with Professional Regulations to see what additional demographic information they will be asking during recertification.

During the current recertification process, every 2 years when CNAs are recertified, they are asked demographical questions such as: home address, cell #, email, employer, dates of hire and check to make sure they have completed their continuing educational credits (CEUs).

Ms. Heiks is on a subcommittee with the Delaware Health Care Commission that is focusing on workforce development. Additionally, Senate Bill (SB 122) directs Delaware Public Health and Delaware Health Care Commission the ability to obtain comprehensive workforce-related data from the Division of Professional Regulation. Professional Regulations has an extensive algorithm list of licensed health care professionals. As a result, a number of questions are asked for the professions within Professional Regulations during licensure renewal, such as education, number of working hours per week (PT, FT or casual seasonal), language fluency or work setting (home health, SNF, ALF, etc). Ms. Heiks believes the additional questions, as universal as possible, will help determine future workforce landscape. “This will assist with predictive analysis” says Ms. Heiks.

Ms. Bailey asked subcommittee members if they had additional questions they would like to ask CNAs during the recertification application. She also asked whether industry providers have provided feedback. Subcommittee members were asked to forward additional questions for consideration. Subcommittee members agreed that it would they would like to see new developments relating to the DE Health Care Committees demographic recommendations.

Ms. Heiks added that it appears a third of the Nursing Home Administrator workforce (currently 95/96 individuals), based on age, will no longer be working in the next 5 years.

Ms. Heiks offered to send the list of “new” demographic questions from DE Health Care Commission to subcommittee members and DHCQ. She added the Delaware Board of Nursing added more demographic questions to their licensure renewal process a few years ago. Ms. Bailey mentioned Delaware Professional Regulations currently asks individuals seeking renewal

whether they have completed the workforce study questions. “Have you taken or enrolled in the workforce survey questions” (Nursys E notify). If the individual has not, they cannot continue with completing their licensure renewal request. Ms. Heiks said she has the workforce questions Delaware Professional Regulations plans to add to the license renewal process for all licensed professionals. DE Health Care Commission is working with Professional Regulations on this project. There is no definitive date as to when they hope to have this project completed. Ms. Heiks mentioned this subcommittee could probably get the current list of workforce related questions from the Delaware Board of Nursing.

Ms. Bailey asked subcommittee members if they would like to look at the proposed workforce data and/or data being collected currently by Board of Nursing to figure out what questions to ask during CNA recertification. Ms. Peterson mentioned that reviewing questions already asked during nursing license recertification may be helpful, it is her understanding that DE Health Care Commission is looking at the overall Delaware health care workforce and planning for the future. As a result, she believes it might be worth it to look at their proposed workforce questions.

Mr. Marques wondered if there are any questions, DNHRQAC may want to be careful about asking relating to CNA workforce development.

Ms. Wilker is willing to consider adding demographical questions to the CNA recertification application after approval from the new DHCQ Director.

Ms. Heiks mentioned there will be a workforce round table discussion soon in Delaware, however it does not appear that long term care has been included. She believes the hospitals and educational institutions have been asked to join this governor’s office driven initiative. Ms. Bailey will contact Governor Meyer’s Office to see if DNHRQAC can be part of the upcoming workforce round table discussion. Finally, Ms. Heiks mentioned long term care and federally qualified health care centers might have an opportunity to be a part of a separate workforce round table discussion, sometime in the future.

Mr. Chris Marques, Esquire asked whether there is a CNA database (like data.delaware.gov available for nurses for example) or spreadsheet the public can access. Ms. Wilker stated she has an internal database, but it is not available for the public to access. She mentioned when a staffing agency reaches out to DHCQ regarding a CNA, the agency needs to complete a Freedom of Information Act (FOIA) request.

Subcommittee Member Updates

Subcommittee members discussed BCC and workforce during today’s meeting.

The legislative updates: SB 155 w/ SS2 (DNHRQAC statute) is still awaiting Governor’s action. Ms. Heiks mentioned Exceptional Care for Children bill (Bridge Program – aging out) will be signed this coming Monday August 25, 2025. Additionally, SB 122 (Health Care Workforce Planning) will be signed by Gov. Meyer on Monday August 25, 2025.

4. Public Comment

There was a small group of participants, so all public comments were included during the regular meeting discussion.

Ms. Heiks shared that DHCFA is sponsoring “Dream Flights” for 8 LTC residents to go up in a WW2 plane. This will occur sometime at the end of August 2025 in Dover, DE. Ms. Bailey asked if the Association would please consider sharing any videos captured for this event with the Commission.

5. Next Meeting

The next DNHRQAC Legislative/Advocacy Subcommittee Meeting date/time is TBD. 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 11:25 am.

Attachments: DNHRQAC Leg/Advoc Meeting of 8/22/2025 agenda
DNHRQAC Leg/Advoc Subcommittee of June 20, 2025 - minutes draft
DNHRQAC Leg/Advoc Subcommittee Meeting of July 11, 2025 – minutes draft