
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 October 24, 2025 @ 10:00 am

FINAL

Subcommittee members present: Lisa Furber (anchor location); Cheryl Heiks; Dr. Avani Virani, MD; 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: n/a

Others Present: Margaret Bailey, DNHRQAC; Kevin Andrews, Public; James Berryhill, DHSS; Julie Devlin, DHSS; Alexa Scoglietti, DHSS; Tomi Morris, DHCFA; and Paul Smiley, Gilpin Hall.

1. Call to order

This meeting was called to order at 10:03 am by DNHRQAC Chair Lisa Furber.

2. Approval of meeting minutes

Meeting minutes draft of 9/19/2025 were tabled until the next Committee meeting.

3. Discussion of:

House Bill (HB) 140 Draft Regulations – Delaware Medical Aid in Dying

Representative from the Department of Health and Social Services (DHSS) attended this meeting and provided information relating to Delaware HB 140 draft regulations and other long-term care related legislative items.

Alexa Scoglietti, DHSS Chief Policy Advisor, shared a PowerPoint Presentation (PPP) that included a brief outline of the policies and requirements DHSS has so far relating to development of regulations:

- Terminally ill Delaware adult can request and self-administer medication.
- Permits an attending physician or Advanced Practice Registered Nurse (APRN) to prescribe medication after meeting several requirements.

- Allows healthcare institutions to prohibit physicians/APRN's from prescribing medication on their premises if they provided notice of the policy to providers and the public.

Ms. Scoglietti mentioned a small group of stakeholders received a draft relating to the regulations last week. After receiving feedback, the policy unit has continued to finalize the draft. Ms. Scoglietti promised to share a more finalized draft with DNHRQAC and others next week, once they become available.

There was a robust discussion and DNHRQAC members and other participants commented and/or suggested the following considerations:

- Send updated draft regulations
- Send copy of PPP (from today)
- Clarify patients' ability to sign (Patient Request Form) – DHSS will check with legal
- Update language re: secured mail/mail- choice
- Clarify unable to administer – DHSS will check with legal
- Send copy of immunity policy - Paul Smiley asked, specifically relating to the resident discharge law if a facility elects to not participate
- Share language used in other States re: death certificate
- Add language about retention of documents?
- Connect Commission with Compassion & Choices
- Share reports re: medication combinations that other states are using

Ms. Scogleitti also shared the following:

- If someone is out of compliance relating to these regulations, those situations would be referred to the Division of Professional Regulations.
- Requires 2 oral and 1 written request from the patient.
- Allows opportunities to rescind the requests.
- There is a waiting period before prescribing the medications.
- Attending and providing physician must verify the person has a terminal illness, prognosis of 6 months or less to live. The individual must have decision-making capacity, making an informed decision and acting voluntarily.
- Provider must refer patient to Psychologist or Psychiatrist if they believe the person's decision-making capacity needs to be evaluated.
- Education must occur relating to safekeeping and disposal of drugs in accordance with FDA guidelines.

- DHSS hopes to include the proposed regulations in the December 2025 Edition of the Monthly Register of Regulations.
- January 2026 there will be a dedicated webpage and educational opportunities available.
- No patient protections were outlined in HB 140. DPH's position is to not get in the middle of a patient/doctor relationship.
- Death Certificate will state the cause of death is due to an underlining issue or natural causes. The certificate will not state anything about ingesting the medication.
- Attending physicians and prescribing physicians must submit documents to Office of Vital Statistics.
- DHSS must facilitate the collection of information regarding compliance. They must require health-care provider that prescribes or dispenses medication to file a report with DHSS. DHSS shall create, generate and make available to the public an annual statistical report.

Subcommittee Member Updates

Legislation:

Ms. Furber mentioned SB 155 w/ SS2 (DNHRQAC statute) was signed by Governor Meyer on 8/25/2025. As a result, changes to the Commission's statute will go into effect on November 23, 2025: name change, membership composition and other items.

Ms. Bailey mentioned she contacted James Berryhill, DHSS Legislative Director, previously for an update on the LTC bill package sponsored by Senator Mantzavinos and Representative Johnson 2 legislative sessions ago.

Memory Care:

Ms. Peterson previously shared a rough draft of legislation relating to memory care. DNHRQAC Leg/Advoc Committee members were asked to provide feedback and be prepared to discuss during the September 2025 meeting. Members were asked not to share the draft with anyone until it was presented to the full commission for consideration. At the request of the Committee, DAG Patrick Smith, reviewed the memory care draft and did not have any edits. As a result, the draft legislation will be shared with the full Commission during the November 21, 2025 meeting for consideration. If approved, the draft will be shared with other interested parties.

The overall intent of the legislation is to expand memory care law and clean up definitions that appear in the Delaware Code.

Workforce:

Ms. Heiks was not in attendance and therefore not able to share an update during this meeting.

Members mentioned that Aleen Wilker, DHCQ CNA School Administrator, has agreed to include questions in the CNA recertification application relating to workforce demographics.

Background Check Center (BCC):

Mr. Marques mentioned the Division of Health Care Quality (DHCQ) recently announced during the DNHRQAC Meeting of September 16, 2025, that service letters will be added back into the BCC. At this time, DHCQ anticipates the 'new' BCC 'go live date' will be in the Summer 2026.

4. Public Comment

No members of the public were in attendance.

5. Next Meeting

The next DNHRQAC Legislative/Advocacy Subcommittee Meeting will be held on Friday November 21 @ 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 11:02 am.

Attachments: Subcommittee Meeting of 10/21/2025 - agenda
Subcommittee Meeting of September 19,2025 - minutes draft
DHSS PPP