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DELAWARE RESIDENTS' PROTECTION COMMISSION (DRPC)

Legislative/Advocacy Subcommittee

In-person & Virtual Meeting

Zoom

Anchor Location: DE CLASI Dover

840 Walker Rd

Dover, DE 19904

**Meeting of January 16, 2026 @ 1:00 pm**

FINAL

Subcommittee members present: Lisa Furber (anchor); Cheryl Heiks; Chris Marques, Esquire, Sean Dwyer and Mary Peterson. Mr. Dwyer recently joined the DRPC Legislative/Advocacy Subcommittee. 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, DRPC; Susan Moore, DRPC and Kevin Andrews, Public.

1. Call to order

This meeting was called to order at 1:02 pm by DNHRQAC Chair Lisa Furber.

2. Approval of meeting minutes

Meeting minutes draft of 11/21/2025 were approved as written.

3. Discussion of:

HB 140 Regulations Draft

To date, commission members have not provided feedback relating to HB 140 (draft) regulations.

Ms. Heiks mentioned there will probably be some facilities that will choose not to participate in this end-of-life choice/option. She further added this could also possibly result in a change to admissions language drafted by long term care facilities.

Ms. Furber stated that educating the public and creating printed materials relating to the intent and scope of the law is important and will help provide transparency for all parties. As a result, she believes there will need to be a comprehensive campaign and other tools to standardize discussions (& avoid subjectivity).

Ms. Bailey reminded the group that Compassion and Choices will be joining the Commission during the next full meeting - January 20, 2026 @ 9:30 am. At that time, Claire Cepuran, Manager of Clinical Advocacy, will be presenting on this subject in more detail.

Ms. Furber mentioned it will be helpful to have the Compassion & Choices attend the 1/20/2026 meeting so members can ask questions and offer feedback, too.

### DRPC Legislative and Advocacy Subcommittee 2026 priorities

Ms. Furber reminded participants that the subcommittee members created a list of priorities they wanted to advocate for in CY 2026. Those efforts were agreed upon by the group and then the topics were divided among subcommittee members, so they could take the lead. Due to time constraints, the Legislative, Workforce and Background Check Center priorities were not able to be discussed during this meeting.

### Memory Care Legislation Draft/Feedback

Ms. Peterson is the lead on this advocacy effort. She mentioned that a draft was generated, discussed among subcommittee members and the full commission, and then sent to stakeholders for feedback by 1/1/2026. The draft is being used as a starting point. Ms. Furber reminded everyone that the draft legislation is a first step and most likely will need to be refined many times over.

Ms. Bailey sent a copy of the draft to stakeholders, including Delaware Health & Social Services (DHSS); LeadingAge NJ/DE; Alzheimer's Assoc, DE Valley Chapter and Delaware Health Care Facilities Association (DHCFA). Some of the stakeholders provided feedback by 1/1/2026.

Ms. Peterson stated feedback relating to the draft should be sent to subcommittee members for review and to provide a response, since the subcommittee crafted the draft and already shared with the full commission. The full Commission, after reviewing the draft in November 2025, approved this advocacy effort.

Ms. Heiks asked if stakeholders were advised that their feedback would be disclosed during a public meeting.

There also was a question raised about whether documents should be added to the Delaware Public Meeting Calendar. Chair Furber does not fully agree that every document discussed during a Commission meeting needs to be added to the Delaware Public Meeting Calendar, especially if a document was not created by DRPC or provided after the meeting ended.

Ms. Furber offered to contact DRPC Deputy Attorney General (DAG) Patrick Smith, Esquire so he can weigh-in on this discussion in more detail relating to sharing of information during a public meeting.

A motion was made and seconded to discuss feedback received thus far relating to the draft legislation and to reach out to stakeholders that provided written feedback about sharing their feedback during a public meeting. A poll vote was conducted that yielded 4 "yes" and 1 "no".

DHSS - Ms. Bailey summarized feedback received from DHSS. It stated that the Department supports strengthening dementia care services in assisted living facilities, particularly in secured memory care units where residents have higher acuity and vulnerability. However, implementation of the proposed language should be deferred until regulations for the full 2024

LTC legislative package are promulgated and operationalized. Advancing this draft bill before the regulations are finalized can create risk of inconsistencies, duplications and need for rework.

LeadingAge - Ms. Bailey summarized the feedback received from LeadingAge NJ/DE. The Association stated the proposed language would restrict options and be difficult to accomplish given the continuing and worsening workforce. Additionally, they mentioned that now is not the time to place stricter restrictions on ALFs, particularly in memory care units and said there are regulatory and funding challenges within the field.

Alzheimer's Association, DE Valley Chapter - Mr. Dwyer shared feedback from the Association and stated they agree with the intention and spirit of the proposed legislation. They would like to explore what staffing and compliance looks like for the outlying positions referenced in the bill, such as nutritionists. The purpose is to look at the gap and what it would take to be compliant for those positions outlined in the proposed legislation.

The Associations broader concern is the outstanding regulations for SB 150 & SB 151 and the other bills from a previous legislative session. Alzheimer's Association, DE Valley Chapter would like to see those regulations enacted before anything is added to memory care and DHCQ's ability to carry out compliance.

Delaware Health Care Facilities Association (DHCFA) - Ms. Heiks shared feedback from Association members. Some of the feedback she received was statistical and financial in nature. She did not tell members that the feedback would be a public document so she would have to go back and get their permission. As a result, she would like an opportunity to refine the feedback she provided from the Association.

Ms. Heiks stated she was advised that if Delaware had the workforce to carry out this proposed bill, it would cost up to \$1M per building to implement.

Further, she added that since most assisted living facilities are private pay, the cost would fall upon the residents and/or their families. Although the facilities would like more staff, Ms. Heiks is not sure the facilities would like to pay more to do something that is a "State" mandate.

She also heard from some buildings that they might elect to not have a memory care unit if this becomes a mandate and consider discharging to SNFs or placing residents in the ALF general population. Some DHCFA members shared with her that the proposed legislation feels like a whole new level of care. Ms. Peterson shared that when assisted living were created a few years back, there was no thought about memory care and that individuals living with end stage dementia require more than assisted living services. As a result, it is something we need to consider; it is not changing the landscape of assisted living – that was done by the industry years ago when they created locked memory care units.

Additionally, Ms. Heiks stated she would like to see the other regulations around memory care fully implemented and working before putting any more strain on the workforce.

Ms. Peterson believes this subcommittee needs an opportunity to review and discuss the comments received by stakeholders and go from there.

Ms. Bailey was asked to reach back out to stakeholders and ask if its ok to share their feedback publicly, as all commission meetings are open to the public. DRPC Legislative/Advocacy

Subcommittee members agreed that stakeholders can revise and professionally respond a second time to the legislation draft by Monday 1/26/2026. She'll also reach out to DHCQ to find out when Delaware ALFs began offering memory care units.

Additionally, Ms. Furber will reach out to DAG Smith regarding questions raised about sharing of documents and feedback in a public meeting setting.

#### Medical Marijuana Bill

At the beginning of this meeting, Ms. Heiks asked Subcommittee members if they were ok with adding discussion relating to this recently introduced legislation to the meeting agenda. She believes guidance needs to be provided on the regulatory side. Due to time constraints, this item was not able to be discussed in more detail.

#### 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 February 13, 2026 @ 1:00 pm. In-person and virtual attendance options will be available. Meeting information will be posted on the Delaware Public Meeting Calendar.

#### 6. Adjournment

The meeting was adjourned at 2:05 pm.

Attachments: Subcommittee Meeting of 1/16/2026 - agenda  
Subcommittee Meeting of 11/21/2025 - minutes draft