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DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

Springer Building  
Training Rooms 1 & 2  
203 Mitchell Lane  
New Castle DE 19720

FINAL

Meeting of November 21, 2014  
Minutes

Commission Member (s) Present: Brian Posey, Chairman; Kyle Hodges; Yrene Waldron; Representative Michael Barbieri; Amy Milligan; Lisa Furber; and Karen Gallagher.

Commission Member (s) Absent: Senator Bethany Hall-Long; Melissa Heck; Patricia Dailey Lewis, Esquire; and Vicki Givens.

Others Present: Margaret Bailey; Mary Peterson, DLTCRP; Hooshang Shanehsaz, State Pharmacy Director; Rita Landgraf, DHSS Cabinet Secretary and Chair GCBACBS; James Lafferty, GCBACBS Co-Chair & Mental Health Association of Delaware; Patty Justice, Esquire, DSAAPD; Cynthia Powell, DSAAPD; Daniese McMullin Powell, SCPD Housing; Pat Maichle, DDC; Frann Anderson, DDDS; Terri Hancharick, SPIC; Eileen Sparling, Center for Disabilities Studies; Travis Groski, Aide to Senator Hall-Long; Victor Orija, State LTC Ombudsman; Ginger Noole, Easter Seals; Monica Edgar, United Cerebral Palsy; Jim Brooks, Consumer; Thomas Cook, DELARF; Lottie Lee, DSAAPD; Beth Miller, News Journal and Jill Fredel, DHSS.

The meeting of November 21, 2014 was held joint with the Governor's Commission on Building Access to Community-Based Services (GCBACBS) whose mission is to develop a comprehensive administrative and legislative plan for a diversified, individualized, cost-effective service and support system that enables individuals with disabilities to live and work in the most integrated setting of their choice.

1. Call to order

The meeting was called to order at 1:02 PM by GCBACBS Co-Chair, James Lafferty. The group went around the room where participants introduced themselves to one another.

2. Approval of the Minutes for the meeting of:

September 9, 2014 minutes were approved without changes.

3. Discussion of:

Chairman Posey opened up discussion by thanking GCBACBS for inviting DNHRQAC to the joint meeting. He mentioned that individuals often intermingle between nursing home facilities and community-based care.

In addition, he hopes both commissions can get to know each other and begin to figure out how to address issues/concerns (example – transportation) best served by DNHRQAC, GCBACBS or as a unified effort.

### DLTCRP

Mary Peterson, DLTCRP Director, provided participants with an overview of the Division. DLTCRP's mission is to protect residents in Delaware long term care facilities through:

- Promotion of quality of care, quality of life, safety and security, and
- Enforcement of compliance with State and Federal laws and regulations.

The Division is responsible for the Adult Abuse Registry; Criminal Background Checks and Mandatory Drug Testing; the Certified Nursing Assistant (CNA) Registry; complaint and incident reporting related to long term care facilities; licensing/certifying long term care facilities; and developing regulations related to these areas.

Ms. Peterson mentioned that DLTCRP often faces situations in nursing homes, assisted living, group homes, neighborhood homes and rest homes which are able to be rectified after quality improvement is applied. Secretary Landgraf concurred and shared that training can help change how we learn from a mistake and promote constant improvement relative to quality measures and standards.

Secretary Landgraf added that there is a group reviewing the PM 46 DHSS policy which was created many years ago. Dr. Gallucci will present his findings during the GCBACBS meeting of February 20, 2015.

Ms. Peterson also mentioned that the Senior Protection Initiative (AG's Office) has a sub-committee which began reviewing elder abuse (January 2014) and how to hold an individual accountable – should they not report it. The group is working on revisions to Title 16 §11 and §39 - imposing fines to those that know about abuse and fail to report. The hope is to also increase fines from \$1,000 to \$10,000 (first occurrence) and \$50,000 for a subsequent violation.

### Staffing Report

Mary Peterson presented the third quarter 2014 Staffing Report to Commission members. All facilities were in compliance. The hours per day staff to resident ratio was 3.66, which exceeds Eagle's Law requirement of 3.28.

### QART Report

Mary Peterson, DLTCRP Director, presented the third quarter 2014 QART Report. After reviewing four surveys involving "G" level deficiencies, QART recommended to uphold the four "G" level deficiencies cited by the surveyors. As a result, none of the "G" level deficiency recommendations were downgraded.

The Division cited 566 deficiencies in 2012/2013 – of which, seven were at a "G" level.

Ms. Peterson provided an overview of the annual survey process where a team of four/five DLTCRP staff members enter a facility and inspect based on Federal/State regulations - approximately five days. When the survey team exists, the facility is aware of any deficient practice found by the Division. The facility is required to write a plan of correction for any deficiency and submit to DLTCRP within 10 days. Should a facility want to dispute a citation, there is an Informal Dispute Resolution (IDR) process where a facility can provide testimony to a hearing officer in hope that the “G” level deficiency is over turned.

#### 2014 Annual Report

FY 2014 DNHRQAC Annual Report draft was distributed to commission members for review. All members were asked to forward any comments/suggestions to Ms. Bailey by January 1, 2015.

#### 4. Public Comment

No public comments were presented at this time.

6. Next meeting will be **Tuesday January 13, 2015** at Legislative Hall – Tatnall Building 150 William Penn Street Room 112 Dover, DE 19901.

#### 7. Adjournment

The meeting was adjourned at 2:58 pm by DHSS Cabinet Secretary Landgraf and Chairman Posey.

Attachments: September 9, 2014 minutes draft  
Staffing Report - 4th Qtr 2014  
QART Report – 3rd Qtr 2014  
2014 DNHRQAC Annual Report draft  
LTC Ombudsman’s Program Annual Report