Delaware Residents' Protection Commission (DRPC)

Meeting of October 20, 2026
9:30 a.m.
Virtually via Zoom
Anchor Location: DDDS Fox Run
2540 Wrangle Hill Rd
Bear, DE 19701

FINAL

Commission member(s) present: Lisa Furber, DRPC Chair; Cheryl Heiks; Kori Bingaman, RN, NHA; Chris Marques, Esquire; Representative Claire Snyder-Hall; Kevin Andrews; Hooshang Shanehsaz; Theresa Edelson as proxy for Jim McCracken; Senator Mantzavinos; Norma Jones and Mary Peterson.

Deputy Attorney General Patrick Smith, Esquire was also in attendance.

Commission member(s) not in attendance: Sean Dwyer; Dr. Virani, MD and Juliann Emory.

DRPC staff attended in-person at the anchor location. A quorum of commission members was present.

Others Present: Margaret Bailey, DRPC; Ngozi Dom-Chima, DRPC; Paul Smiley, Gilpin Hall; Jennifer August, Public; Amanda Levering, Division of Health Care Quality (DHCQ); Rob Smith, DHCQ; Kim Reed, DHCQ; Matthew Kucharski, DHCQ; Annette Moore, The Moorings @ Lewes; Wyatt Patterson, Delaware State Senate; Jose Rodriguez, DHCQ; Frank DeMarinis, Harbor Chase; Mary Haffaney, The Moorings @ Lewes; David Parkinson, The Lorelton and RuthAnn Lander, Public.

1. Call to Order and Introductions

Commission Chair, Lisa Furber, called the meeting to order at 9:33 a.m. Ms. Furber mentioned that Juliann Emory was recently appointed to serve on the commission, representing the Delaware Healthcare Association (DHA). Ms. Furber and Ms. Bailey have scheduled an onboarding meeting with Ms. Emory and hope she is able to attend the next full commission meeting.

Ms. Furber stated the Zoom "chat" feature will be disabled until 5 minutes before the public comment portion of the meeting. Additionally, the meeting rules were read aloud.

2. Approval of Meeting Minutes

A motion was made by Ms. Peterson and seconded by Mr. Shanehsaz to approve the meeting minutes draft of 9/15/2026, as written. A majority of commission members present were in favor of the motion. One member abstained from voting. As a result, the minutes draft was approved as written.

3. Approval of DRPC CY 27 full Meeting Schedule

A concern was raised about the proposed CY27 DRPC meeting dates that would take place during legislative session. Representative Snyder-Hall stated that 5-6 dates listed on the draft meeting schedule might conflict when legislators are in session.

After a robust discussion, a motion was made by Mr. Marques and seconded by Ms. Peterson to have Ms. Bailey send a survey/poll relating to the 5-6 dates. Members in return would have an opportunity to respond and provide feedback regarding their availability on alternate days of the week. The feedback will be incorporated into a revised FY27 meeting schedule (draft) and brought forth for consideration during the next full commission meeting.

4. Discussion of:

Background Check Center (BCC)

Mr. Smith shared that the new BCC will be launched on Monday December 14, 2026. The current BCC will be unavailable starting December 3, 2026 @ 4:30 pm. System migration including comprehensive data migration system verification will occur during the down time. Training will be offered to assist providers in navigating the new system.

3rd Qtr 2026 – Quality Assurance Review Team (QART)

Mr. Smith presented data and details relating to 3rd Qtr 2026. DHCQ reported there were 9 Delaware facilities that had a total of 10 "G" level (actual harm) or higher deficiency cited in the 3rd Qtr 2026. Evergreen Post Acute had 2 "G" level or higher deficiencies cited during this time frame. After QART review, none of the "G" level or higher deficiencies cited by the survey team were upgraded or downgraded.

"G" level or higher citations in 3rd Qtr 2026:

- F684 - Quality of Life "J" and "K" (actual harm). Two facilities were cited for this deficient practice: one relating to a head injury/massive brain bleed and the other relating to choking/aspiration.

- Title 16 Health and Safety Chapter 11 - Abuse, Mistreatment, Neglect, and Financial Exploitation "J" (actual harm). One ALF received this citation during the 3rd Qtr 2026 for failing to ensure the safety and supervision of a resident with dementia, resulting in elopement from the facility.

- F689 - Free of Accident Hazards/Supervision/Devices "G" and "J" (actual harm). Four facilities were cited with a "G" level deficiency and two facilities with a "J" level deficiency relating to falls/not following care plan, inadequate assistance and lack of supervision. Three of the citations were past noncompliance.

- F692 - Nutrition/Hydration Status Maintenance "G" (actual harm). One facility did not ensure a resident was offered fluids to maintain proper hydration.

DRPC members asked multiple questions relating to the citations described in the survey reports. They expressed great concern relating to the trends in resident harm, staff shortages and the need for more transparent public-facing data.

DRPC members discussed the potential for creating a consolidated dashboard to track quality and safety metrics. Mr. Marques agreed that information/data needs to be objective and mentioned the Medicaid Fraud Control Unit (MFCU) uses one relating to their cases.

Finally, DRPC members mentioned some of the report findings do not match the QART Report findings. As a result, DHCQ offered to revisit and report back to the commission.

Ms. Peterson would like DRPC to consider having a group of commission members meet to review the quarterly data. Ms. Bingaman wondered how many of the deficiencies were self-reported by the facility.

Commission members were encouraged to send additional follow-up questions to Ms. Bailey who will send them to DHCQ for a response.

3rd Qtr 2026 Staffing Report

Rob Smith, DHCQ Licensing Administrator, provided an update relating to the 3rd Qtr 2026. A copy of the Staffing Report was provided to commission members in advance of the meeting. Three facilities did not meet the 3.28 Hours Per Resident Per Day (HPRD). The report identified the facilities as Cadia Rehab Capitol, Cadia Renaissance and Seaford Center.

Mr. Smith added that facilities can elect to use phase 1 or phase 2 to determine whether they are in compliance with HRPD. Phase 1, facilities must meet the minimum every day where phase 2, the HRPD is averaged over a week. Ms. Peterson expressed concern that facilities do not meet daily staffing ratios per shift and suggested legislators may want to address this with the industry and fellow General Assembly members. Ms. Heiks added that it's important to consider what has changed in this population's care needs and figure out how to make a formula work.

3rd Qtr 2026 - SNF staffing ratio data per shift per facility

In addition to complying with HPRD requirements, there are specific staff to resident ratios per shift that must be met in order to be in compliance with Eagle's Law. Based on the 3rd Qtr 2026 Staffing Report, it appears there were two facilities that did not meet the RN/LPN to resident per shift minimum staffing requirements. Additionally, there were two facilities that did not meet the CNA to resident staffing ratio per shift requirements.

3rd Qtr 2026 - Exigent Circumstances

During 3rd Qtr 2026, three facilities submitted reports to DHCQ relating to exigent circumstances: Delaware Veterans Home, Willowbrooke @ Cokesbury Village and Regency Healthcare and Rehab Center. 17 separate occurrences were noted in the report. The Commission was advised that most of the exigent circumstances involved ADON providing direct care since staff were not available; last-minute call out where replacement staff was not available and agency RN Supervisor used since replacement staff were not available (actively recruiting).

3rd Qtr 2026 - Annual & Complaint surveys completed

SNF	ALF
11 annual Surveys (4 by contractor)	8 annual surveys
16 complaint surveys (4 by contractor)	10 complaint surveys
347 complaints investigated	80 complaints investigated
6 follow-up	0 follow-up
380	98

Ms. Bailey asked the Division if they could provide the number of substantiated vs non-substantiated complaints in the future.

3rd Qtr 2026 - Top 5 deficiencies cited

SNF
F812: Food Procurement, Store/Prepare/Serve Sanitary
F880: Infection Prevention & Control
F657: Care Plan Timing and Revision
F690: Bowel/Bladder Incontinence, Catheter, UTI
F684: Quality of Care

ALF
12.0 Services
16.0 Staffing
18.0 Emergency Preparedness
13.0 Service Agreements
11.0 Resident Assessment

DHCQ mentioned the "16.0 Staffing" top citation was due to LPNs providing an assessment, which is required to be completed by a registered nurse.

3rd Qtr 2026 – Monitors and Temporary Managers

Mr. Smith shared that during the 3rd Qtr 2026, there were three licensed facilities that had monitors or temporary management enforcement actions imposed.

- Wilmington Nursing and Rehab Ctr: Monitor imposed 7/28/2026
- The Point Place Senior Living (ALF): Monitor imposed 6/1/2026
- The Point Lodge Senior Living (ALF): Monitor imposed 6/1/2026

Ms. Furber asked about monitor at Peachtree that had been in place for more than a year.
Mr. Smith mentioned the Division released the monitor that was at Peachtree, but the monitor offered to stay on voluntarily to make sure they are operating in compliance. He added that Peachtree now has their own nursing home administrator.

Division Updates including Background Check Center (BCC) status and legislation

BCC – The go live date will be on Monday December 14, 2026. The current system will not be available starting December 3, 2026 until December 14, 2026. Training will be offered to providers to navigate the

new system. Ms. Heiks expressed concern with hiring workforce during the 11 days when the system will be down.

Matthew Kucharski, DHCQ Director of Regulatory Policies, introduced himself. He mentioned the State is exploring several options, including the possibility of conditional hire to fill the gap but stated he does not have an official answer to share right now.

ALF Regulations – Carol McLaughlin, DHCQ Training and Education Specialist, has been working on updating ALF regulations relating to the FY24 LTC bill package. The Division hopes to have the regulations finalized by the close of CY26.

Ms. Peterson asked if DHCQ could send a copy of the proposed ALF regulations for DRPC review/feedback and reminded DHCQ that DRPC has been working on proposed ALF legislation during the past year. As a result, the Commission would like the opportunity to spend time reviewing and commenting on the ALF proposed regulations that DHCQ plans to implement.

Ms. Bailey will send Mr. Kucharski a DRPC Legislative/Advocacy meeting invitation for 10/21/2026 @ 10:00 am.

Fingerprinting – Mr. Kucharski mentioned when the BCC goes live, there will be 13 fingerprinting sites available state-wide.

Electronic Licensing Project – DHCQ mentioned that effective Feb 27, 2027, facilities will be able to submit their licensing application and renewal documents electronically through Wellsky. Currently, facilities submit paper documents via scanning and email.

5. Old/New Business

FY 28 DRPC Budget

Ms. Bailey mentioned DRPCs FY28 Operating Budget Request was submitted to the Delaware Office of Management and Budget (OMB). She stated that in addition to the $2,000 that commission members requested, an additional $2,100 is being requested for mandatory Dept of Technology and Verizon fees recently discovered during the budget submission process. Finally, Ms. Bailey mentioned the FY28 Public Budget Hearing (hosted by Office of Management and Budget) will take place next month.

DRPC Subcommittee Updates

DRPC Staffing Ratio Waiver Subcommittee

Ms. Furber mentioned there are no updates to provide because there haven't been any waiver applications. She mentioned Ms. Bailey reached out to commission members and asked whether they want to meet to consider discussing how to possibly streamline the waiver process, since staff is still expending a lot of energy and effort on parts of the process, even though no applications have been received to date.

DRPC Legislative/Advocacy Subcommittee

Ms. Furber mentioned this group plans to meet on October 22, 2026 @ 10:30 am to continue discussions around assisted living draft legislation and other legislative/advocacy related items.

DRPC Bylaws Subcommittee

Ms. Furber shared that the DRPC Bylaws Subcommittee will be meeting next on October 27, 2026 @ 10:00 am.

Mr. Marques shared an update relating to the DRPC Bylaws Subcommittee. After receiving additional feedback during the September 2026 full commission meeting, the bylaws subcommittee met to discuss the following main edits: incorporate language from DE Code and DRPC proxy form, clarify chair and co-chair's ability to speak on behalf of the commission consistent with the commission's purpose, interim co-chair until 2027 election due to vacant spot, declaration of interest, "rule book", Executive Director's role relating to personnel authority, and election protocols. The idea was shared that in every July meeting, members would declare interest in running for chair or co-chair, in whichever even or odd year is applicable.

Ms. Furber mentioned that when she became chair, DRPC statute allowed the Governor to select the chair and there wasn't anything in place regarding term limit for chair or any language relating to a co-chair. Ms. Heiks added that she believes rotating folks in the chair/co-chair role or having maximum term limits would be something she would like to see happen. Mr. Marques cautioned the difference of "can rotate" vs "must rotate" and mentioned that if DRPC imposes a term limit to someone who is capable, willing and members are pleased with their contributions, DRPC will lose the ability to keep this person in that role. He envisions greater flexibility if there are no term limits and of course, mentioned the person can be voted out in two years or replaced, too.

Ms. Peterson added there was a lot of thoughtful discussion by the bylaw's subcommittee relating to keeping the chair until 2028. She mentioned that it would not be beneficial to have a new chair and new co-chair at the same time. The existing chair could continue until the 2028 election and meanwhile choose an interim co-chair via election. After an interim co-chair was selected, they would be able to learn the duties or the position etc. before the 2028 chair election.

Ms. Furber informed commission members that she doesn't always attend the bylaws subcommittee meetings and was not present during discussion relating to chair or co-chair.

Ms. Peterson brought forth a motion stating that since DRPC could not hold elections in September because of the time schedule and to give an opportunity to put a co-chair in place, she motioned to keep the current chair in place until September 2028. Mr. Marques seconded the motion. A poll vote was conducted and approved by 8 members in attendance. One member voted no. The motion carried.

Mr. Marques motioned that solicited interest relating to co-chair should be declared during the November 2026 meeting and members should contact Ms. Bailey expressing their intention in advance of the meeting. In return, DRPC will hold a co-chair election in Dec 2026. This individual will serve as interim co-chair until September 2027 election. The interest should include: the reason why they would like to serve; qualifications and whether they have any conflicts of interest. Ms. Peterson seconded the motion. All 8 members in attendance approved, so the motion carried.

Ms. Bailey asked DRPC members to let her know at least a week before the November 17, 2026 meeting whether they would like to be considered for the interim co-chair position.

DRPC Hiring Subcommittee

Ms. Furber shared that Ngozi Dom-Chima accepted the f/t DRPC Data/Management Analyst III position and started in this capacity on October 5, 2026. Congratulations Ms. Dom-Chima!

Proposed DRPC Subcommittees

Ms. Furber mentioned that some subcommittees have been suggested because of the strategic planning session held in August 2026. Discussion relating to strategic planning will continue during the November 2026 meeting where Ms. Landgraf will be joining DRPC in the conversation to move forward with new or revised goals.

Ms. Furber also added that the Commission is always looking to have members help to prepare the annual report and decide structure and/or substance relating to data points and other items.

Ms. Furber finally mentioned it might be beneficial to have an election subcommittee to accept nominations or help the commission move through the chair and co-chair election process.

6. Executive Session

DRPC members and Executive Director were in Executive Session @ 11:49 am – 12:00 pm.
After returning to the open public meeting, Mr. Marques raised a motion to approve the item discussed in Executive Session. Mr. Andrews seconded the motion. A poll vote was conducted and the 8 commission members present unanimously shared their support. The vote carried.

7. Public Comment

Ms. Furber mentioned October is Residents Rights month. DRPC submitted an editorial commentary to a few local Delaware media outlets relating to residents rights and other advocate type observances.

Annette Moore mentioned she forwarded comments relating to the ALF draft regulations after the last commission meeting. She summarized her concerns relating to the proposed draft legislation and provided details relating to the required annual facility assessments for licensing renewal.

David Parkinson commented on the proposed ALF draft legislation and shared information relating to an assisted living convention in Boston last week.

Frank DeMarinis shared feedback relating to the ALF draft legislation.

8. Next DRPC full Meeting

The next DRPC full meeting will be held on Tuesday November 17, 2026 @ 9:30 a.m. Meeting details will be posted on the Delaware Public Meeting Calendar (PMC).

9. Adjournment

The meeting was adjourned at 12:23 p.m. by Ms. Furber, DRPC Chair.

Attachments: 10/20/2026 meeting agenda
9/15/2026 meeting minutes draft
CY27 DRPC full Meeting Schedule - draft
3rd Qtr 2026 QART, Staffing & PPP - DHCQ