BYLAWS FOR THE DELAWARE RESIDENTS' PROTECTION COMMISSION (DRPC)

Article I Authority and Purpose

The Delaware Residents' Protection Commission is established by 29 *Del. C.* § 7907. All action taken by this Commission and all organizational structure shall conform to 29 *Del. C.* § 7907 and relevant provisions of 16 *Del. C.* §§ 1162 and 1167.

The Commission's purpose is to monitor the quality of care, quality of life and safety provided to Delaware's residents of monitored facilities in both privately-operated and state operated facilities, and to ensure that the appropriate oversight agencies respond in a timely manner to complaints of abuse, neglect, mistreatment, financial exploitation, and other claims.

Article II Membership and Staffing

The Commission shall be composed of 15 members. One member shall be appointed by the Speaker of the House of Representatives, and one member shall be appointed by the President Pro Tempore of the Senate. These members shall serve at the pleasure of their appointing authorities.

Six members serving by virtue of position, or a designee appointed by the member, as follows:

a. The Attorney General,
b. The Executive Director of the Community Legal Aid Society, Inc,
c. The Executive Director of the Delaware Health Care Facilities Association,
d. The Executive Director of the Delaware Healthcare Association,
e. The Executive Director of Leading Edge New Jersey/Delaware,
f. The Director of State Government Affairs, Delaware, or the Alzheimer's Association, Delaware Valley Chapter.

Seven members appointed by the Governor as follows:

a. One member who is a resident or family member of a resident of a monitored facility,
b. Three members, one from each county, who work or have worked in a monitored facility,
c. One member who is a health care professional,
d. Two members who are each an advocate for individuals with disabilities, the elderly or both.

The term of a Commission member is three years; however, the Governor may appoint one or more members for a term of less than three years to ensure that terms are staggered.

Membership shall be distributed so that there are Commission members from all three Delaware counties.

A majority of the total membership of the Commission constitutes a quorum. A majority of the total membership of a sub-committee constitutes a quorum for the sub-committee. A quorum is required for the Commission to take official action.

Members who may select a designee must select the designee only from that member's organization, to serve in the member's stead and at the member's pleasure. The member must provide the designation to the Chair in writing. A designee has the same duties and rights as the member the designee represents.

The Commission may adopt rules and bylaws necessary for its operation.

The Commission, as operated within the limitation of the annual appropriation and any other funds appropriated by the General Assembly, shall furnish staff for the Commission. The Commission may seek grant funding to provide staff for the Commission and support the Commission's purpose. The Department of Justice shall provide legal advice to the Commission.

The Commission is staffed by an Executive Director and supporting staff, who are responsible for ensuring that the Commission fulfills its purpose. The Executive Director may speak on behalf of the Commission, consistent with the Commission's purpose.

Commission members serve without compensation, they may be reimbursed for reasonable and necessary expenses incident to their duties as members of this Commission.

Members of the Commission shall elect a Chairperson and a Co-Chairperson.

a. The Commission Chairperson shall:
   1. be elected at the September meeting (or subsequent meeting at which a quorum is present) in even-numbered years.
   2. be elected for a two-year term by a majority of the full Commission present at the meeting.
   3. not be subject to term limits.

b. The Commission Co-Chair shall:
   1. be elected at the September meeting (or subsequent meeting at which a quorum is present in odd-numbered years.
   2. be elected for a two-year term by a majority of the full Commission present at the meeting.
   3. not be subject to term limits.
   4. assume the duties of the Chairperson in the event that the Chairperson is not able to continue to serve.

Article III Duties

The purpose of the Commission is to monitor Delaware's quality assurance system for monitored facilities in privately operated and State-operated facilities so that complaints of abuse, neglect,

mistreatment, financial exploitation, and other claims are responded to in a timely manner to ensure the health and safety of monitored facility residents.

The duties of the Commission include:

a. Examining policies and procedures and evaluating the effectiveness of the quality assurance and improvement system for residents of monitored facilities, including the respective roles of the Department of Health and Social Services, the Department of Justice, healthcare professionals, and monitored facilities.

b. Monitoring data and analyzing trends in the quality of care, quality of life, and the safety of residents of monitored facilities.

c. Reviewing and making recommendations to the Governor, Secretary and the General Assembly concerning the quality assurance and improvement system and improvement to the overall quality of life, quality of care, and safety of residents of monitored facilities.

d. Protecting the privacy of residents of monitored facilities including complying with the guidelines for confidentiality of records that the Division of Health Care Quality establishes.

e. Preparing and publishing an annual report to the Governor, the Secretary of DHSS, and members of the General Assembly.

f. Promoting coordination among programs and services established for or related to monitored facilities.

g. Providing education and recommending policies aimed at improving the quality of care, quality of life, and safety of the residents of monitored facilities.

Article IV Meetings

The Commission shall determine its own meeting schedule, but meetings shall occur at least quarterly. These meetings shall be open to the public, held in an accessible place, and with reasonable accommodations. The Commission shall endeavor to schedule the meetings at regular, predictable intervals. The staff shall distribute the meeting date, agenda and location to Commission members and the public at least 7 days before the meeting date.

Staff shall distribute draft minutes of meetings to Commission members no later than 14 days after the meeting date, and the Commission shall approve or correct the minutes at the next Commission meeting. Approved minutes shall be available to the public.

Meetings shall be conducted as described by Robert's Rules of Order, 12th Edition, a widely recognized guide for parliamentary procedure, to ensure fairness and orderly discussion among participants.

Commission members may participate and vote during meetings via teleconferencing provided a quorum of members are present.

Any member of the public may submit written comments to the Commission at any time and requests for confidentiality will be honored. Members of the public may also request to be included on the Commission meeting agenda by contacting the DRPC staff at least 14 days in advance of the relevant meeting date. In addition, each agenda shall include time for brief public comment.

The Commission may hold Executive Sessions, closed to the public, in accordance with the Freedom of Information Act, 29 *Del. C.* §10001 *et seq.*

Article V Confidentiality

Commission members shall sign a Confidentiality Agreement to protect the privacy of monitored facility residents established by Delaware Health and Social Services.

Article VI Prohibited Activities

No individual Commission member will represent the Commission to the general public without a majority vote of a quorum at a Commission meeting prior to representation. Members shall recuse themselves from voting or otherwise making Commission decisions regarding matters in which they have a conflict or potential conflict of interest.

Article VII Parliamentary Authority

Unless otherwise provided in these by-laws, all Commission meetings and activities shall be governed by *Robert's Rules of Order, 12th Addition*.

Article VIII Amendments

Proposed by-law amendments shall be circulated to all Commission members at least 14 days prior to the meeting at which they will be voted upon. Amendments may be adopted at any official Commission meeting and must be in compliance with any State legislation affecting this Commission.

Approved by the Commission during meeting of July 21, 2026.

*****Amended July 2003
*Amended June 2007
*Amended September 2007
*Amended May 19, 2020
*Amended November 2025