

CHAPTER 29
FORMERLY
HOUSE BILL NO. 62
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 7907, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7907. Delaware Nursing Home Residents Quality Assurance Commission.

(a) There is established a Delaware Nursing Home Resident's Quality Assurance Commission. The Commission ~~shall be composed as follows:~~ consists of the following members:

(1) One member appointed by the Speaker of the ~~House;~~ House.

(2) One member appointed by the President ~~Pro Tem~~ Pro Tem of the ~~Senate;~~ Senate.

(3) ~~Eight members appointed by the Governor. One of the members appointed by the Governor shall be a representative of the "protection and advocacy agency" as defined in § 1102 of Title 16. The remaining members shall include representatives of the following: consumers of nursing home services, nursing home providers, health care professionals, law enforcement personnel and advocates for the elderly. One of the Governor's initial appointees shall have been a member of the Council on Long Term Care Facilities;~~

~~(4) One member of the Long Term Care Association appointed by the Speaker of the House;~~

~~(5) One member of the Hospital Association appointed by the President Pro Tempore of the~~

~~Senate. Four 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.

(4) Seven members appointed by the Governor as follows:

a. One member who is a resident or a family member of a resident of a nursing home.

b. Three members, 1 from each county, who work in a nursing home setting.

c. A health care professional.

e. Two individuals who are each an advocate for people with disabilities or the elderly, or both.

~~(b) At least 6 but no more than 7 members of the Commission shall be affiliated with 1 of the major political parties and at least 5, but no more than 6, of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of 1 major political party over~~

~~the other major political party.~~ Membership on the Commission ~~shall~~ must be geographically distributed so that there ~~shall be~~ are members of the Commission from each of the 3 ~~counties and the City of Wilmington.~~ counties.

(c)(1) The members appointed by the Speaker and the President ~~Pro Tem shall~~ Pro Tem serve at the pleasure of their appointing authorities. ~~Initial appointments of the members appointed by the Governor shall be as follows: 2 members for a 1 year term; 3 members for a 2 year term; and 3 members for a 3 year term. Each succeeding term shall be for 3 years. The Chairperson of the Commission shall be designated by the Governor.~~

(2) The term of a Commission member is 3 years, however, the Governor may appoint 1 or more member for a term of less than 3 years to ensure that terms are staggered.

(d) ~~{Repealed.}~~ (1) The members of the Commission shall elect a Chair.

(2) A majority of the total membership of the Commission constitutes a quorum. A quorum is required for the Commission to take official action.

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

(e) 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.

(f) The Department of Justice shall provide legal advice to the Commission.

~~(e)~~ (g) The purpose of this Commission is to monitor Delaware's quality assurance system for nursing home residents in both privately operated and ~~state-operated~~ State-operated facilities so that complaints of abuse, neglect, mistreatment, financial ~~exploitation~~ exploitation, and other complaints are responded to in a timely manner ~~so as~~ to ensure the health and safety of nursing home residents.

~~(f)~~ (h) The Commission shall meet at a minimum, on a quarterly basis.

~~(g)~~ (i) The Commission's duties of the Commission shall include: include all of the following:

(1) ~~Examination of~~ Examining policies and procedures and ~~evaluation of~~ evaluating the effectiveness of the quality assurance system for nursing home residents, including the respective roles of the Department, the ~~Attorney General's Office~~ Department of Justice and law-enforcement ~~agencies as well as agencies,~~ and health-care professionals and nursing home providers.

(2) ~~The monitoring of~~ Monitoring data and ~~analysis of~~ analyzing trends in the quality of care and quality of life of individuals receiving long term care in ~~Delaware;~~ Delaware.

(3) ~~The review~~ Reviewing and making ~~of~~ recommendations to the Governor, ~~Secretary~~ Secretary, and the General Assembly concerning the quality assurance system ~~as well as~~ and improvements to the overall quality of life and quality of care of nursing home residents.

(4) ~~The protection of~~ Protecting the privacy of nursing home ~~residents~~ residents, including ~~following~~ complying with the guidelines for confidentiality of records ~~to be~~ established by the Division of Health Care Quality.

~~(h)~~ (j) The Commission shall prepare and publish an annual report to the Governor, ~~the Secretary~~ Secretary, and the General Assembly. This annual report ~~shall~~ must include aggregate data with comprehensive analysis and monitoring of trends in the quality of care and quality of life of nursing home residents.

(i) ~~(k)~~ Members of the Commission shall serve without compensation; however, they compensation.
However, members may be reimbursed for reasonable and necessary expenses incident to their duties as members of
the ~~Council~~-Commission.

Approved June 5, 2019