

# RECOMMENDATIONS

April 1, 2021

DNHRQAC



Joint Legislative Oversight  
& Sunset Committee

The following are Delaware Nursing Home Residents Quality Assurance Commission (“DNHRQAC”) initial draft recommendations for the Joint Legislative Oversight & Sunset Committee (“JLOSC” or “Committee”). JLOSC staff drafted these recommendations after completion of research, analysis, and following observations made during the presentation meeting. These recommendations are not final until adopted by JLOSC. JLOSC will review and discuss recommendations at a public meeting, where the Committee is free to modify, reject, or create brand new recommendations.

The Committee is statutorily authorized to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity’s functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified time period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

Under §10213(a), Title 29, the Committee must first determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select to continue or terminate the entity under review.

## **Recommendation 1: Continue or Terminate**

Option 1: The Delaware Nursing Home Residents Quality Assurance Commission shall continue, subject to any further recommendations that JLOSC adopts.

~~-OR-~~

~~Option 2: The Delaware Nursing Home Residents Quality Assurance Commission is terminated, and the Committee will sponsor legislation to implement this recommendation.~~

## **Recommendation 2: General Statutory Updates & Technical Corrections**

JLOSC will sponsor a bill to make any technical corrections to DNHRQAC’s entire governing statute, Chapter 79, Title 29.<sup>1</sup>

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<sup>1</sup> The Committee’s legislative attorney will draft any legislation resulting from approved recommendations, unless otherwise noted.

### **Recommendation 3: Administrative and Budgetary Responsibility**

Option 1: JLOSC shall sponsor legislation specifying that administrative and budgetary responsibilities related to DNHRQAC are the responsibility of the Department of Safety and Homeland Security.<sup>2</sup>

~~-OR-~~

~~Option 2: JLOSC shall sponsor legislation specifying that administrative and budgetary responsibilities related to DNHRQAC are the responsibility of the Department of Health and Social Services.~~

### **Recommendation 4: Name Change**

DNHRQAC shall explore changing its name to one more easily recognizable to long-term care residents, the public, and other stakeholders. (example: DCARES: Delaware Commission for Aging Residents' Safety)

### **Recommendation 5: Criteria for Facility Visits**

DNHRQAC shall develop a criteria and rubric for visits to long-term care facilities. This rubric shall be published to its website and included in the annual report.

### **Recommendation 6: Eagle's Law Update**

DNHRQAC shall engage the necessary stakeholders to report and recommend to the Department of Health and Social Services and the General Assembly needed changes to Eagle's Law, Chapter 11, Title 16 of Delaware Code, no later than January 31, 2022.

### **Recommendation 7: Staffing Ratios at Assisted Living Facilities**

DNHRQAC shall conduct the required research to report and recommend to the Department of Health and Social Services and the General Assembly the necessary policy to adopt staffing ratios at assisted living facilities no later than January 31, 2022.

### **Recommendation 8: Elder Caucus**

~~DNHRQAC shall provide information to the General Assembly relating to the creation of an Elder or Aging Caucus with a focus on the structure other legislatures and governing bodies have utilized.~~

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<sup>2</sup> The Delaware [Department of Safety and Homeland Security](#) is home to two advocacy councils that work to improve the quality of life for Delawareans with disabilities.

**Recommendation 9: Annual Report Updates**

DNHRQAC shall add the following information to its annual report:

- a. Rubric, criteria, findings, and recommendations from facility visits.
- b. Any recommendations, including all correspondence, made to the Department of Health and Social Services, the Governor, the General Assembly, and other stakeholder organizations.
- c. Summary of legislative lobbying efforts, including the Commission's position on legislation and regulations effecting long-term care residents.
- d. Policy, advocacy, and legislative goals for the upcoming year.
- e. Breakdown of Executive Director duties including the percentage of time devoted to each duty.

**Recommendation 10: Follow Up Reporting**

DNHRQAC shall submit a status report, no later than January 31, 2022, updating the JLOSC on the implementation process of the adopted recommendations as well as a succession plan for the role of Executive Director, including a job description.

**Recommendation 11: Release from Review or Hold Over**

Option 1: DNHRQAC is released from review upon enactment of JLOSC-sponsored legislation and submission of the status report.

~~-OR-~~

~~Option 2: DNHRQAC is held over and shall report to the Committee in January 2022.~~