

TO: JLOSC

DATE: 03/26/2021

FROM: DNHRQAC

RE: DNHRQAC Response to JLOSC Recommendations

Thank you for the opportunity to comment on and respond to the draft recommendations of the Joint Legislative Oversight and Sunset Committee ("JLOSC") for the Delaware Nursing Home Residents Quality Assurance Commission ("DNHRQAC").

We appreciate JLOSC's efforts to prepare these recommendations after researching, analyzing, and observing DNHRQAC during the presentation meeting of February 16, 2021.

After our review of the recommendations, DNHRQAC has the following responses and comments to the recommendations:

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.

We support the recommendation to continue with the Delaware Nursing Home Residents Quality Assurance Commission. Oversight of licensed long term care facilities is crucial and necessary. Many residents are unable to speak up for themselves. DNHRQAC is able to advocate for them.

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.

DNHRQAC is not opposed to statutory or technical corrections. We do ask that prior to any legislative changes that we are able to have an open dialogue with legislative attorney assigned to the task.

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. -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.

DNHRQAC's preference is to remain where we are, with the Administrative Office of the Courts. If this is not possible, DNHRQAC would not oppose an administrative move (with budgetary responsibility) to the Department of Safety and Homeland Security.

DNHRQAC would strongly oppose an administrative move (with budgetary responsibility) to the Department of Health and Social Services (DHSS). As discussed during the 2/16/2021 presentation meeting, we believe a move to DHSS would be a conflict of interest and would very much inhibit our ability to advocate zealously and autonomously for residents in long term care settings.

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).

The DNHRQAC is not opposed to exploring a name change or rebranding to an easily identifiable name. The Commission requests the opportunity to discuss this recommendation with the full Commission and to present our suggestion for a name change/rebranding on or before January 31, 2022 to the JLOSC. The suggested name change to DCARES is not inclusive of all populations we represent and advocate for and therefore, we do not feel this suggested name change is a good fit.

Recommendation 5: Criteria 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.

We are in agreement with this recommendation.

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.

DNHRQAC is in agreement with this recommendation.

Recommendation 7: Staffing Ratios at Assisted Living Facilities. DNHRQAC shall conduct the necessary research to report and recommend to the Department of Health and Social Services and the General Assembly the process required to adopt staffing ratios at assisted living facilities no later than January 31, 2022.

DNHRQAC is in agreement with this recommendation.

Recommendation 8: Elder Caucus. DNHRQAC shall provide information to the General Assembly relating to the creation of an Elder Caucus with a focus on the structure other legislatures or governing bodies have utilized.

DNHRQAC is in agreement with this recommendation.

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 made to the Department of Health and Social Services, the Governor, the General Assembly, and other necessary 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 next year.

- A. DNHRQAC is in agreement with this recommendation.
- B. DNHRQAC is in agreement with this recommendation.
- C. DNHRQAC is not a lobbyist group but rather an advocacy organization. The Commission is in agreement to provide information on our position on legislation and regulations effecting long-term care residents.
- D. DNHRQAC is in agreement with this recommendation.

Recommendation 10: Follow Up Reporting. DNHRQAC shall submit a status report, no later than January 31, 2022, to the JLOSC on the implementation process of the adopted recommendations.

DNHRQAC is in agreement with this recommendation and welcomes the opportunity to provide updates on our progress implementing the recommendations of the JLOSC.

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.

Following the implementation of JLOSC's recommendations, DNHRQAC would respectfully ask to be released from further hold over or review.

Thank you kindly for the opportunity to respond and comment on the JLOSC draft recommendations.

Respectfully submitted,

Lisa Furber

Lisa Furber, DNHRQAC Chair

Margaret Bailey

Margaret E Bailey, DNHRQAC Executive Director

March 26, 2021

Senator Kyle Evans Gay, Chair
Joint Legislative Oversight & Sunset Committee
411 Legislative Avenue
Dover, DE 19901

RE: JLOSC's Recommendations for the DNHRQAC

Dear Senator Evans Gay:

We are writing to supplement the Delaware Nursing Home Residents Quality Assurance Commission's (DNHRQAC) response to the Joint Legislative Oversight and Sunset Committee's (JLOSC) recommendations. We appreciate this opportunity to further clarify and inform the JLOSC about DNHRQAC's responses. Specifically, we would like to provide additional detail and comment in regard to the following JLOSC recommendations:

- Recommendation 5: Criteria Facility Visits
- Recommendation 6: Eagles Law Update
- Recommendation 7: Staffing Ratios at Assisted Living Facilities
- Recommendation 9: Annual Report Updates

As you may recall, Margaret Bailey is an office of one and is DNHRQAC's only paid staff member. All Commission members are volunteers who donate their time to this important advocacy mission. The above highlighted recommendations may serve to be highly laborious tasks to complete in addition to the regular tasks undertaken by the Commission. In the past, when Eagles Law was first created, an outside research firm was contracted to conduct the necessary research in order to recommend the staffing ratios that still exist today. Further, the Commission does not currently have a specific database or other electronic tools to appropriately maintain, sort, search and compare detailed data on facility visits or to be reproduced into our Annual Report. The Commission has many goals and mandates, including JLOSC's recommendations, but lacks the staffing and budgetary resources to adequately and efficiently address them. Therefore, on behalf of the DNHRQAC, we are respectfully requesting that the JLOSC consider allocating funding for additional staffing (on-going), office resources, and the acquisition of an expert to assist us in completing the recommendations listed above.


Finally, DNHRQAC is also respectfully requesting that JLOSC consider any unintended consequences of implementing Recommendation 3: Administrative and Budgetary

Responsibility (either option). Implementing either option would mean a significant move from one branch of government to another for DNHRQAC. The DNHRQAC would want to insure that any move would not result in a loss of benefits or other compensation for the paid staff supporting the Commission.

We look forward to the opportunity to discuss JLOSC's recommendations further on April 1, 2021, and to share more details about our requests and responses. Thank you for considering our comments and requests.

Many kind regards,

Lisa Furber
Lisa Furber, Chair
DNHRQAC



Representative Kim Williams
State Representative
19th District