



SPONSOR: Rep. Dorsey Walker & Sen. Gay
Reps. Griffith, K. Johnson, Spiegelman, Yearick; Sens.
Hansen, Pettyjohn, Pinkney, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 438

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:

1 § 7907. Delaware Nursing Home Residents Quality Assurance Commission.

2 (c)(1) The members appointed by the Speaker and the President Pro Tempore serve at the pleasure of their
3 appointing authorities.

4 (2) The term of a Commission member is ~~3 years,~~ years; however, the Governor may appoint 1 or more
5 ~~member~~ members under paragraph (a)(4) of this section for a term of less than 3 years to ensure that terms are
6 staggered.

7 (d)(1) The members of the Commission shall elect a Chair.

8 (2) ~~A majority of the total membership of the Commission constitutes a quorum. A quorum is required for the~~
9 ~~Commission to take official action. A majority of members must be present at a Commission meeting in order to have~~
10 ~~quorum and conduct official business. A vacant position is not counted for purposes of quorum.~~

11 (e) The Commission, as operated within the limitation of the annual appropriation and any other funds
12 ~~appropriated by the General Assembly appropriates, shall furnish~~ provides staff for the Commission.

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

14 (i) The Commission's duties include all of the following:

15 (1) Examining policies and procedures and evaluating the effectiveness of the quality assurance system for
16 nursing home residents, including the respective roles of the Department of Health and Social Services, the Department
17 of Justice and law-enforcement agencies, and health-care professionals and nursing home providers.

18 (j) The Commission shall prepare and publish an annual report to the Governor, Secretary, ~~and~~ the General
19 ~~Assembly~~ Assembly, and the Director and Librarian of the Division of Research of Legislative Council. ~~This annual report~~
20 ~~must include aggregate data with comprehensive analysis and monitoring of trends in the quality of care and quality of life~~
21 ~~of nursing home residents. The annual report must include at least all of the following:~~

- 22 (1) Aggregate data with analysis and monitoring of trends in the quality of care and quality of life of nursing
23 home residents.
- 24 (2) Rubric, criteria, findings, and recommendations from each facility visit.
- 25 (3) A summary of each recommendation and correspondence made to the Department of Health and Social
26 Services, the Governor, the General Assembly, and other stakeholder organizations. The correspondence must be
27 redacted to remove information that is not deemed a public record under § 10002 of Title 29.
- 28 (4) Summary of the Commission’s review of relevant legislation, including the Commission’s position on
29 legislation and regulations effecting nursing home residents.
- 30 (5) Advocacy efforts and goals for the upcoming year.
- 31 (6) Summary of the Executive Director’s duties, including the percentage of time devoted to each duty.

SYNOPSIS

This Act is part of the Joint Legislative Oversight and Sunset Committee's ("JLOSC") review of the Delaware Nursing Home Residents Quality Assurance Commission ("DNHRQAC") and the recommendations that JLOSC approved during its review. This Act specifies the matters that DNHRQAC must include in its annual report, and makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.