



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
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.

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

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

(d)(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.~~ A majority of members must be present at a Commission meeting in order to have quorum and conduct official business. A vacant position is not counted for purposes of quorum.

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

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

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

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

(j) The Commission shall prepare and publish an annual report to the Governor, Secretary, ~~and the General Assembly~~ Assembly, and the Director and Librarian of the Division of Research of Legislative Council. ~~This annual report~~

~~must include aggregate data with comprehensive analysis and monitoring of trends in the quality of care and quality of life of nursing home residents.~~ The annual report must include at least all of the following:

(1) Aggregate data with analysis and monitoring of trends in the quality of care and quality of life of nursing home residents.

(2) Rubric, criteria, findings, and recommendations from each facility visit.

(3) A summary of each recommendation and correspondence made to the Department of Health and Social Services, the Governor, the General Assembly, and other stakeholder organizations. The correspondence must be redacted to remove information that is not deemed a public record under § 10002 of Title 29.

(4) Summary of the Commission's review of relevant legislation, including the Commission's position on legislation and regulations effecting nursing home residents.

(5) Advocacy efforts and goals for the upcoming year.

(6) Summary of the Executive Director's duties, including the percentage of time devoted to each duty.