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DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION

DDDS Fox Run  
2540 Wrangle Hill Rd  
2<sup>nd</sup> Floor Training Room 'A'  
Bear, DE 10701

FINAL

Meeting of September 17, 2019  
Minutes

Commission Member(s) Present: Lisa Furber, DNHRQAC Chair; Cheryl Heiks, Christina Kontis, Esquire, Kyle Hodges, Dr. Michela Coffaro, Psy D, Hooshang Shanehsaz and Lorraine Phillips, Ph.D. Karin Volker, Esquire, DOJ also in attendance.

Commission members not in attendance: Karen Gallagher, Lt Governor Bethany Hall-Long, Representative Kim Williams and Amy Milligan.

Others Present: Margaret Bailey; Karen Crowley, DHCQ; Mark Letavish, DHCQ; Dr. Melissa Winters, DSAAPD; Donna O'Hanlon, DMMA; Kathleen Dougherty, DMMA; Rob Smith, DHCQ; Don Bluestein, DHCQ; Gail Jones, Consumer; Andi Wozney, DSAAPD; and Rich Kramer, Consumer.

The meeting was called to order at 9:37 AM by Lisa Furber. All attendees introduced themselves.

1. Approval of the Minutes for the meeting of:

The meeting minutes' draft of January 8, 2019, March 19, 2019, May 21, 2019 and July 16, 2019 were not voted upon due to lack of quorum.

3. Discussion of:

Managed Care Organizations (MCO's)

Kathleen Dougherty, Delaware Medicaid & Medical Assistance (DMMA) Chief of Operations, provided an update regarding Delaware's two managed care organizations: AmeriHealth Caritas Delaware and Highmark Health Options.

The managed care organizations provide long-term care supports & services (LTSS) for Medicaid clients.

Extensive staff training is required for new hires. In addition, quarterly refresher training occurs. Finally, weekly educational webinars offered regarding long-term supports & services training to include:

- Appeals: Received or did not receive services. Ms. Dougherty will consider sending # of appeals to Commission members for review.
- Grievances: Feeling or opinion that something did not go right
- Fraud, Waste and Abuse:
- Compliance: MCO adhering to laws and regulations.
- Quality and Critical Incidents: Ms. Dougherty will send Commission a list of critical incidents defined by Federal Government.
- Member Rights & Responsibilities: Informing clients

Monthly Premiums and Co-Pays:

- Prescription Co-Pays- maximum \$3/prescription, maximum \$15/month
- Premiums: Delaware Healthy Children's Program = \$10 - \$25/household, Medicaid for Workers with Disabilities = \$0 - \$105/month

Both MCO offer: routine office visits, lab services, mental health/substance abuse treatment, specialists, and ambulatory surgery centers. Other services provided when medically necessary: private duty nursing, PT/OT, durable medical equipment and skilled nursing facility. Finally, enhanced benefits offered s needed: adult day, cognitive services, day habilitation, transition services, nursing facility transitions workshops, personal emergency response system, consumer directed attendant care, support for consumer direction and nutritional supplements with HIV/AIDS diagnosis.

The MCO's also have value added services through their own profit: adult vision, GED Testing, digital home scale, adult dental and disease management & health lifestyle programs.

Ms. Dougherty advised that some dental services will be available to clients – April 2020.

Delaware is the 5<sup>th</sup> State to be in compliance with Home and Community-Based services (HCBS).

Currently there are 12k Delawareans receiving LTSS.

Managed Care Organization contact information:

AmeriHealth Caritas - Member Services: LTSS 1.855.777.6617  
 LTSS Member Advocate:  
 Valerie Sharpe-Shrewsbury  
 302.286.5749  
 vsharpeshrewsbury@amerihealthcaritasde.com

Highmark Health Options – Member Services: 1.844.325.6251  
LTSS Member Advocate:  
Katrina Robinson  
302.502.4042  
krobinson@highmarkhealthoptions.com

The Delaware Division of Medicaid & Medical Services participated in the 2017 – 2018 National Core Indicators Aging and Disabilities Adult Consumer Survey (NCI – AD Adult Consumer Survey).

NCI-AD is a voluntary effort by State Medicaid, aging, and disability agencies to measure and track their own performance.

The core indicators are standard measures used across states to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including service planning, rights, community inclusion, choice, health and care coordination, safety and relationships.

DMMA recognized the need for independent assessment of member perceptions about HCBS and SNF managed long-term supports and services under Diamond State Health Plan Plus Program.

678 Delawareans participated in the 2017 – 2018 NCI-AD survey. 2017 -2018 results have not yet been published. DMMA plans to administer another survey February 2020.

Biggest barrier for managed care organizations: housing.

#### Background Check Center Disqualifiers

Don Bluestein, Division of Health Care Quality (DHCQ) Investigative Supervisor provided an update to commission members in response to the following message that appeared on the Divisions webpage:

“ There has been an ongoing, nationwide concern, about people's privacy. Both of our Federal and State partners are increasing the number of restrictions placed on our system and how the information is accessed. Based on ever evolving rules and regulations and after a recent review, the Division of Health Care Quality has drafted a new list of disqualifiers. This list is similar to the list used by the State of Delaware, Board of Nursing, in that it encompasses a number of similar offenses used to qualify potential employees. We understand that people make mistakes. Further, that these mistakes should not be held against a person for unusual amounts of time. With that in mind we have grouped the offenses in to six different time constraints. 1 year, 2 years, 3 years, 5 years, 10 years and No limit. These new time constraints will help give you more confidence in our evaluation of an applicant's conviction history and ultimately your decision to hire. We believe that the adoption of this list will better serve the users of the BCC and safe guard those vulnerable people we all wish to help.”

Mr. Bluestein mentioned there are currently 4-5 primary disqualifiers that focus on mistreatment and exploitation. He added that historically employers could see the State side of criminal backgrounds when they searched for a prospective employee. This will be going away in the future so the Division plans to adopt additional disqualifiers from Board of Nursing. The list of additional disqualifiers cannot be distributed just yet as they are being reviewed by DHSS Cabinet Secretary's Office and Department of Justice.

The additional disqualifiers were developed after reviewing Board of Nursing criminal charges and assigning time thresholds.

If the background check reveals a criminal conviction, the Division cannot divulge the crime to facility.

Examples of no limit disqualifiers: criminally negligent homicide and manslaughter.

#### Staffing Report

Rob Smith, DHCQ Licensing Administrator, presented the 3<sup>rd</sup> Qtr 2019 Staffing Report. The cumulative hours per resident totaled 3.75 hours during this snapshot in time. Per Eagles Law, 3.28 are the minimum number of hours required, however facilities must also staff to meet the needs of the residents, too. In addition, all skilled facilities exceeded nurse to residents and aides to residents per shift during certification review.

#### QART Report

Rob Smith, DHCQ Licensing Administrator, presented the 3<sup>rd</sup> Qtr 2019 QART Report. During this snapshot in time, the survey team recommended three "G" level deficiencies. The QART Team reviewed the deficiencies and upheld the survey teams recommendations.

#### DHCFA 26<sup>th</sup> Trade Show

Cheryl Heiks, Executive Director for the Delaware Health Care Facilities Association (DHCFA), provided information regarding DHCFA's 26<sup>th</sup> Annual Trade Show. The event will be held on September 19, 2019 @ Dover Downs. Yrene Waldron, former DNHRQAC commission member and former Executive Director of DHCFA will be honored at the event.

#### 4. Old/New Business:

##### FY 18 & 19 Annual Report

DNHRQAC 2018/2019 Annual Report draft was distributed to members for review. Due to lack of quorum, the annual report was not able to be finalized.

##### Conflict of Interest Policy

Ms. Bailey distributed a Conflict of Interest Policy draft. Due to lack of quorum, the policy was not finalized.

### Membership Quorum

There was discussion surrounding membership quorum, Karin Volker, Esquire will get back to the Commission after review.

### DNHRQAC Memberships

Ms. Furber and Ms. Bailey continue to communicate with Lydia Massey, Governor's Boards & Commissions, regarding DNHRQAC membership vacancies. As of today, there are still two Governor Appointed commission member vacancies.

### Joint Legislative Oversight and Sunset Committee (JLOSC)

DNHRQAC has been selected for JLOSC Review in CY 20. A mandatory workshop was held September 5, 2019 for agencies selected for review. Ms. Furber and Ms. Bailey were in attendance. The JLOSC Committee is comprised of members of House and Senate.

A Performance Review Questionnaire was forwarded to the Commission. Ms. Furber, Ms. Bailey and Ms. Volker are currently drafting responses to said questions.

DNHRQAC will have an opportunity to provide testimony to JLOSC in Feb/Mar 2020.

5. Next meeting will be held on Tuesday September 17, 2019 at Community Legal Aid Society, Inc: 840 Walker Rd Dover, DE 19901 @ 9:30 am.

### 6. Adjournment

The meeting was adjourned at 11:58 AM by Lisa Furber.

Attachments: September 17, 2019 meeting agenda  
Jan - July 2019 – DNHRQAC meeting minutes' draft  
2020 DNHRQAC meeting schedule draft  
DMMA Presentation  
Conflict of Interest Policy – draft  
DNHRQAC By-Laws draft  
QART Report  
Staffing Report