

LAWS OF DELAWARE
VOLUME 85
CHAPTER 179
153rd GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 2
FOR
SENATE BILL NO. 155

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 and by redesignating accordingly:

§ 7907. Delaware ~~Nursing Home Residents Quality Assurance~~ Residents' Protection Commission.

(a) (1) There is established a Delaware ~~Nursing Home Resident's Quality Assurance Commission~~ Residents' Protection Commission. The Commission's purpose is to monitor the quality of care, quality of life, and safety provided to Delaware's residents of monitored facilities in both privately-operated and state-operated facilities, and to ensure that the appropriate oversight agencies respond in a timely manner to complaints of abuse, neglect, mistreatment, financial exploitation, and other claims.

(2) As used in this chapter:

a. "Commission" means the Delaware Residents' Protection Commission.

b. "Monitored facility" means, collectively, a nursing facility, as "nursing facility" is defined in § 1102 of Title 16; an assisted living facility, as "assisted living facility" is defined in § 1102 of Title 16; and a secured memory care unit, as "secured memory care unit" is defined § 1102 of Title 16.

c. "Secretary" means the Secretary of the Department of Health and Social Services.

(b) The Commission is staffed by an Executive Director and supporting staff, who are responsible for ensuring that the Commission fulfills its purpose. The Executive Director may speak on behalf of the Commission, consistent with the Commission's purpose.

(c) The Commission consists of the following members:

(1) One member appointed by the Speaker of the ~~House~~: House of Representatives.

(2) One member appointed by the President Pro Tempore of the Senate.

(3) ~~Four~~ Six members serving by virtue of position, or a designee appointed by the member, as follows:

a. The Attorney General.

b. The Executive Director of the Community Legal Aid Society, Inc.

c. The Executive Director of the Delaware Health Care Facilities Association.

d. The Executive Director of the Delaware Healthcare Association.

e. The President of LeadingAge New Jersey/Delaware.

f. The Director of State Government Affairs, Delaware, of the Alzheimer's Association, Delaware Valley

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(4) Seven members appointed by the Governor as follows:

a. One member who is a resident or a family member of a resident of a ~~nursing home~~: monitored facility.

b. Three members, 1 from each county, who work or have worked in a ~~nursing home setting~~: monitored facility.

c. ~~A~~ One member who is a health-care professional.

d. Two ~~individuals~~ members who are each an advocate for ~~people with disabilities or~~ individuals with disabilities, the elderly, or both.

(d) A member who may select a designee must select the designee only from that member's organization, to serve in the member's stead and at the member's pleasure. The member must provide the designation to the Chair in writing. A designee has the same duties and rights as the member the designee represents.

~~(b)~~ (e) Membership on the Commission must be geographically distributed so that there are members of the ~~Commission~~ from each of the 3 counties.

~~(e)~~ (f) (1) The members ~~appointed by that~~ the Speaker and the President Pro Tempore appoint serve at the pleasure of their appointing authorities.

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

(3) A member who is absent from 3 consecutive Commission meetings or 4 out of 12 consecutive meetings is deemed to have resigned, and the member's appointing authority may accept the member's resignation.

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

(2) (h) 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. A motion by the Commission is approved upon the affirmative vote of a majority of members who are present at the meeting.

~~(3)~~ (i) The Commission may adopt rules and bylaws necessary for its operation.

(e) (j) The Commission, as operated within the limitation of the annual appropriation and any other funds the General Assembly appropriates, provides staff for the Commission. The Commission may seek grant funding to provide staff for the Commission and support the Commission's purpose.

~~(f)~~ (k) The Department of Justice shall provide legal advice to the Commission.

~~(g) The purpose of this Commission is to monitor Delaware's quality assurance system for nursing home residents in both privately operated and state-operated facilities so that complaints of abuse, neglect, mistreatment, financial exploitation, and other complaints are responded to in a timely manner to ensure the health and safety of nursing home residents.~~

(h) (l) The Commission shall meet, at a minimum, on a quarterly basis. The Commission may hold a virtual meeting under Chapter 100 of Title 29 (Freedom of Information Act), except that, for purposes of a Commission meeting, "anchor location" means a physical location within the geographical jurisdiction of the Commission that is open to the public and at which 1 or more Commission members or a member of the Commission's staff is present.

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

(1) Examining policies and procedures and evaluating the effectiveness of the quality assurance and improvement system for nursing home residents, residents of monitored facilities, 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. professionals, and monitored facility providers.

(2) Monitoring data and analyzing trends in the quality of ~~care and care,~~ quality of ~~life of term care in Delaware.~~ life, and the safety of residents of monitored facilities.

(3) Reviewing and making recommendations to the Governor, Secretary, and the General Assembly concerning the quality assurance and improvement system and improvements to the overall quality of life and quality of care of nursing home residents. life, quality of care, and safety of residents of monitored facilities.

(4) Protecting the privacy of ~~nursing home residents, residents of monitored facilities,~~ including complying with the guidelines for confidentiality of records ~~established by that~~ the Division of Health Care ~~Quality. Quality establishes.~~

(5) Promoting coordination among programs and services established for or related to monitored facilities.

(6) Providing education and recommending policies aimed at improving the quality of care, quality of life, and safety of residents of monitored facilities.

(n) Subcommittees. The Commission may form subcommittees as necessary to carry out the Commission's work.

(1) The Commission and its subcommittees may hear testimony and gather information and advice from non-Commission members.

(2) A subcommittee may act on behalf of the Commission, consistent with the Commission's purpose.

~~(j)~~ (o) The Commission shall prepare and publish an annual report to the Governor, Secretary, the General Assembly, and the Director and the Librarian of the Division of Legislative Services. 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 care,~~ quality of ~~life of nursing home residents. life, and safety of residents of monitored facilities.~~

(2) Rubric, criteria, findings, Findings and recommendations from each facility monitored 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 this title.

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

(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.

~~(k)~~ (p) Members of the Commission serve without compensation. However, members may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Commission.

Section 2. This Act takes effect 90 days after enactment into law.

Approved August 25, 2025