



Virginia Department of  
**Health Professions**  
Board of Long-Term Care Administrators

**Board of Long-Term Care  
Administrators  
Full Board Meeting**

**December 13, 2018**

The Virginia Board of Long-Term Care Administrators convened for a board meeting on Thursday, December 13, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #1, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Derrick Kendall, NHA, Chair  
Martha H. Hunt, ALFA, Vice-Chair  
Mary B. Brydon, Citizen Member  
Mitchell P. Davis, NHA  
Karen Hopkins Stanfield, NHA  
Marj Pantone, ALFA

**BOARD MEMBERS ABSENT:**

Basil Acey, Citizen Member  
Shervonne Banks, Citizen Member

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

David E. Brown, D.C., Agency Director  
Elizabeth Carter, Ph.D., Healthcare Workforce Data Center  
Sarah Georgen, Licensing and Operations Manager  
Lynne Helmick, Deputy Executive Director, Discipline  
Angela Pearson, Senior Discipline Operations Manager  
Corie Tillman Wolf, J.D., Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Heather Wright, Program Manager

**BOARD COUNSEL PRESENT:**

Erin Barrett, Assistant Attorney General

**OTHERS PRESENT:**

Judy Hackler, Virginia Assisted Living Association  
Dana Parsons, Leading Age Virginia

**QUORUM:**

With six members present at the beginning of the meeting, a quorum was established.

**CALL TO ORDER**

Mr. Kendall called the meeting to order at 9:39 a.m. and asked the Board members and staff to introduce themselves.

Mr. Kendall read the mission of the Board and reminders for the meeting.

Ms. Tillman Wolf read the Emergency Egress Procedures.

### **APPROVAL OF MINUTES**

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Ms. Brydon, the Board voted to accept the following meeting minutes:

- Board Meeting – June 28, 2018

The motion passed unanimously.

### **ORDERING OF THE AGENDA**

No changes were made to the agenda.

### **PUBLIC COMMENT**

There was no public comment.

### **AGENCY DIRECTOR'S REPORT – Dr. David Brown, D.C.**

Dr. Brown reported that DHP has hired a contractor to assist with the creation of a new agency website. This new website will be user friendly for both internal staff as well as the public. The website will make it possible for boards to enter their own information on the agency's website.

Dr. Brown reported on the security updates for the DHP building, noting that the security desk on the first floor would be moved to the center of the hall to allow for visitors to check in with the security desk. Additionally, he requested that all Board members submit their entry badges to Board staff to be deactivated. He announced that temporary badges would be provided to Board members at each meeting to ensure proper entry to the building.

Dr. Brown summarized and provided a handout regarding the Joint Legislative Audit and Review Commission (JLARC) Recommendations: Operations and Performance of the Department of Professional and Occupational Regulation. He asked for Board member input regarding the recommendations and how they may impact DHP.

With no further questions, Dr. Brown concluded his report.

### **EXECUTIVE DIRECTOR'S REPORT – Corie Tillman Wolf, J.D.**

Ms. Tillman Wolf welcomed Angela Pearson to DHP. Ms. Pearson will be working with discipline cases as the Senior Discipline Operations Manager.

Ms. Tillman Wolf provided the following report:

*Expenditure and Revenue Summary*

Cash Balance as of June 30, 2018	\$(1,418)
YTD FY19 Revenue	46,245
Less: YTD Direct and In-Direct Expenditures	<u>190,032</u>
Cash Balance as of October 31, 2018	<b>\$ (145,205)</b>

*NAB Updates*

Ms. Tillman Wolf provided a brief review of the topics discussed during the National Association of Long Term Care Administrator Boards (NAB) Mid-Year Meeting held from November 8-10, 2018.

Ms. Tillman Wolf provided the Licensing Report.

Assisted Living Facility Administrators - Current License Count

	December 2018	June 2018	+/-
<b>ALFA's</b>	<b>660</b>	<b>628</b>	<b>32</b>
<b>AIT's</b>	<b>102</b>	<b>94</b>	<b>8</b>
<b>Acting AIT</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>Total ALFA</b>	<b>766</b>	<b>726</b>	<b>40</b>
<b>Preceptors</b>	<b>215</b>	<b>199</b>	<b>16</b>

Nursing Home Administrators - Current License Count

	December 2018	June 2018	+/-
<b>NHA's</b>	<b>931</b>	<b>877</b>	<b>54</b>
<b>AIT's</b>	<b>88</b>	<b>77</b>	<b>11</b>
<b>Total NHA</b>	<b>1,019</b>	<b>954</b>	<b>65</b>
<b>Preceptors</b>	<b>238</b>	<b>227</b>	<b>11</b>
<b>NHA and ALFA Combined</b>	<b>1,785</b>	<b>1,680</b>	<b>105</b>

Ms. Tillman Wolf reported on the trends in license count, which showed relatively flat growth from December 2013 to December 2018. She noted that during the five year period, there had been a 7% increase in licensed ALFAs and a 10% increase in licensed NHA's. There was a 19.4% increase in registered ALFA Preceptors; however, no change (0%) in the number of registered NHA preceptors.

Licenses and Registrations – Number Issued YTD 2018

License Type	Number Issued
ALFA	74
ALFA – AIT	56
ALFA – Acting AIT	10
ALFA – Preceptor	24
NHA	84
NHA – AIT	50
NHA – Preceptor	24
<b>TOTAL</b>	<b>322</b>

Exam Scores – Overall Pass/Fail Rates – July 2017 through September 2018

Exam	Pass %
CORE	88.8%
NHA	59.8%
RC/AL	76.6%

Exam Scores – Virginia Candidates – July 2017 through June 13, 2018

Exam	# Taken	# Pass	# Fail	Pass/Fail %
CORE	138	116	22	84.1% / 15.9%
NHA	78	35	43	44.9% / 55.1%
RC/AL	87	63	24	72.4% / 27.6%

Virginia Performs – Customer Service Satisfaction

- FY17 – 100% overall
- FY18 (1<sup>st</sup> Qtr.) – 100%

- FY18 (2<sup>nd</sup> Qtr.) – 100%
- FY18 (3<sup>rd</sup> Qtr.) – 100%
- FY18 (4<sup>th</sup> Qtr.) – 100%
- FY19 (1<sup>st</sup> Qtr.) – 100%

Ms. Tillman Wolf reported the agency average for FY18 (4<sup>th</sup> Qtr.) was 91.2% and FY19 (1<sup>st</sup> Qtr.) was 89.4%.

Heather Wright is the front line for the Long-Term Care Administrators Board and she is extremely knowledgeable and helpful. Laura Mueller is cross-trained and able to step in whenever necessary.

### **Licensing Updates**

Ms. Tillman Wolf reported that the draft AIT reporting forms will be provided when the Periodic Review Regulations are finalized. She reviewed the forms with the Board which included expanding upon some of the current questions and provided examples to assist AITs in completing the form; updating the Domains of Practice to parallel NAB and incorporate the AIT manual; and updated the requirements based upon changes from the Periodic Review (e.g. face-to-face hours for Acting AIT).

### **Notes**

Ms. Tillman Wolf provided reminders to the Board members regarding any updated contact information. Ms. Tillman Wolf requested that Board members return their badges to staff at the conclusion of the meeting.

Ms. Tillman Wolf reviewed the 2019 Board meeting schedule with the Board members:

- Tuesday, March 12, 2019 at 10:00 a.m. in Board Room 3
- Tuesday, June 18, 2019 at 10:00 a.m. in Board Room 4
- Thursday, September 12, 2019 at 10:00 a.m. in Board Room 2
- Tuesday, December 17, 2019 at 10:00 a.m. in Board Room 4

With no further questions, Ms. Tillman Wolf concluded her report.

### **BREAK**

The Board recessed at 10:51 a.m. The Board reconvened at 11:03 a.m.

### **DISCIPLINE REPORT – Lynne Helmick – Deputy Executive Director, Discipline**

Ms. Helmick reported there are currently 97 open cases. Additionally, 61 of the cases are in the probable cause stage, one is in the Administrative Proceedings Division (APD), 3 are at the formal stage, and 32 are in investigation stage. There are 8 open compliance cases.

Ms. Helmick reviewed discipline statistics and Key Performance Measure slides with the Board for Q3 2018:

- The Board’s clearance rate is currently 45%; the Board has received 11 cases and closed 5 cases
- The pending caseload over 250 days is at 30%
- The percentage of cases closed within 250 days was at 20%

Ms. Helmick reviewed discipline statistics and Key Performance Measure slides with the Board for Q4 2018:

- The Board’s clearance rate is currently 220%; the Board has received 10 cases and closed 22 cases
- The pending caseload over 250 days is at 31%
- The percentage of cases closed within 250 days was at 18%

Ms. Helmick reviewed discipline statistics and Key Performance Measure slides with the Board for Q1 2019:

- The Board’s clearance rate is currently 41%; the Board has received 17 cases and closed 7 cases
- The pending caseload over 250 days is at 31%
- The percentage of cases closed within 250 days was at 100%

Ms. Helmick reviewed data regarding the total numbers of cases received and closed, clearance rates for all cases, and the average days to close a case since the fourth quarter of FY 2016:

Cases received/closed		Q1 2018	15/5
Q4 2016	19/7	Q2 2018	24/8
Q1 2017	16/12	Q3 2018	13/8
Q2 2017	12/11	Q4 2018	16/31
Q3 2017	9/13	Q1 2019	31/14
Q4 2017	18/20		

**Percentage of all cases closed in 250 days**

	Q4-2017	Q1-2018	Q2-2018	Q3-2018	Q4-2018	Q1-2019
LTCA	55%	80%	50%	25%	29%	64.3%
Agency	86.7%	82.2%	86.7%	87.6%	80.6%	85.5%

**Average days to close a case**

	Q4-2017	Q1-2018	Q2-2018	Q3-2018	Q4-2018	Q1-2019
LTCA	395	171.2	350.6	424.1	395.5	253
Agency	194.1	255.7	186.5	196.4	201.1	173.8

Ms. Helmick reported on the Case Categories for those cases in which disciplinary action was taken:

FY2017

- 14 cases total
  - 8 standard of care
  - 1 criminal conviction
  - 1 drug storage
  - 3 failure to report
  - 1 CE

- 4 deficiencies with other regulations (DSS, OLC)
- 1 work environment
- 1 impairment

FY2018

- 10 cases total
  - 8 Standard of care
  - 1 CE
  - 1 criminal conviction
  - 1 compliance
  - 1 failure to report
  - 1 unlicensed activity

With no additional questions, Ms. Helmick concluded the report.

### **BOARD COUNSEL REPORT**

Ms. Barrett reminded Board members that electronic material on personal devices, such as phones, home computers, and work computers, are subject to Freedom of Information Act (FOIA) requests.

With no questions, Ms. Barrett concluded the report.

### **COMMITTEE AND BOARD MEMBER REPORTS**

#### *Board of Health Professions Report*

Mr. Kendall noted that the Board of Health Professions report was included in the agenda packet.

### **LEGISLATIVE AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst**

#### *Regulatory Report – Status of Periodic Review*

Ms. Yeatts noted that the proposed revisions to the Regulations Governing the Practice of Nursing Home and Assisted Living Facility Administrators resulting from the Periodic Review were in the final stages at the Governor's Office.

#### *Legislative Report*

Ms. Yeatts provided the Board with information regarding a bill to be introduced in the 2019 Session of the General Assembly to rebalance the terms of members on several health regulatory boards, including the Board of Long-Term Care Administrators. Ms. Yeatts noted that no board action is required and that it was for informational purposes only.

#### *Petition for Rulemaking (Cassiere)*

Ms. Yeatts presented the Petition for Rulemaking submitted by Daniel Cassiere relating to preceptorships, as well as documentation related to the petition's public comment.

Board members discussed the requirement of one-year of full-time employment as an administrator as the minimal amount of experience necessary to adequately serve as a preceptor for an AIT. Additionally, the Board members discussed the means of verification of employment from facilities, and because the Board does not license or regulate the facilities, the Board cannot require the facilities/employers to provide employment verifications. Acceptance of pay stubs may not adequately provide evidence of full-time employment.

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Ms. Hunt, the Board voted to deny the petition for rulemaking for the reasons discussed by the Board and to retain the current requirements. The motion passed unanimously.

## **NEW BUSINESS**

### *Virginia's Administrator Workforce: 2018 – Dr. Elizabeth Carter, Ph.D., Health Workforce Data Center*

Dr. Carter presented the 2018 reports from the Healthcare Workforce Data Center for Assisted Living Facility Administrators and Nursing Home Administrators.

Upon a **MOTION** by Ms. Hunt, and properly seconded by Ms. Brydon, the Board voted to accept the reports as presented. The motion passed unanimously.

### *Cognitive Care Education Training Proposal – Corie Tillman Wolf, Executive Director*

Ms. Tillman Wolf presented information regarding a recent proposal received regarding Cognitive Care Education Training. She presented a handout regarding cognitive care education research and requested the Board to discuss the proposal for Nursing Home Administrators. Ms. Tillman Wolf advised Board members that their options included a presentation from Dr. Russell Porter, NHA, Ed.D regarding the research and proposal; additional research and information; or deferral of the proposal for consideration at a later date.

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Ms. Pantone, the Board voted to defer the training proposal for consideration at a later date. The motion passed unanimously.

### *Update on AIT/Preceptor Efforts – Corie Tillman Wolf, Executive Director*

Ms. Tillman Wolf stated that she will continue to notify the public and applicants of the voluntary preceptor registry information that is available on the Board's website. She noted that the Board had previously discussed other relevant points regarding the AIT/Preceptor efforts during her report.

### *Emergency Preparedness – Lessons from Hurricane Florence – Karen Stanfield/Corie Tillman Wolf*

Ms. Stanfield provided a summary of the issues she encountered during Hurricane Florence with the nursing home facilities she oversees and the measures she took to ensure the safety of patients and staff. She discussed the lessons learned from several items that were not considered prior to the storm, including adequate fuel for and continued operation of generators for many days, trash pickup, laundry appliances connected to generators, adequate emergency lighting, and transportation for bed-bound patients. She also



noted the unexpected necessity of preparing for family members of patients and staff staying at the facility for an extended amount of time.

Ms. Stanfield and Ms. Tillman Wolf discussed the importance of Executive Orders allowing licensees from other jurisdictions to practice during emergencies without licensure in that state. Ms. Tillman Wolf also reviewed the form to be submitted by facilities with out-of-state licensees practicing in Virginia.

*Elections*

The Board did not receive nomination forms from Board members in advance of the meeting for the position of Board Chair or for the position of Vice-Chair.

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Ms. Pantone, the Board voted to elect Mr. Davis as Chair for the Board. The vote was unanimous.

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Ms. Hunt, the Board voted to elect Ms. Pantone as Vice-Chair for the Board. The vote was unanimous.

**BREAK**

The Board recessed at 12:27 p.m. The Board reconvened at 12:40 p.m.

Mr. Davis left the meeting at 12:35 p.m.

**BOARD TRAINING**

Ms. Tillman Wolf presented a training video created by the Department of Health Professions on Probable Cause.

**NEXT MEETING**

Mr. Kendall announced the next full Board meeting will be held on March 12, 2019.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 12:51 p.m.

  
for Derrick Kendall, NHA, Chair

  
Corie Tillman Wolf, J.D., Executive Director

3/12/19  
Date

March 14, 2019  
Date