

**APPROVED MINUTES  
VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS  
MEETING MINUTES**

The Virginia Board of Long Term Care Administrators convened for a board meeting on Tuesday, December 11, 2012 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #3, Henrico, Virginia.

**The following members were present:**

Thomas J. Orsini, NHA, Chair  
Martha H. Hunt, ALFA, Vice-Chair  
John Randolph Scott, NHA, ALFA  
Kathleen R. Fletcher, MSN, Citizen Member  
Karen Stanfield, NHA, Citizen Member

**The following members were absent for all or part of the meeting:**

Amanda Gannon, NHA  
Doug Nevitt, ALFA  
Gracie Bowers, Citizen Member

**DHP staff present for all or part of the meeting included:**

Lisa R. Hahn, Executive Director  
Lynne Helmick, Deputy Executive Director  
Arne Owens, Agency Chief Deputy Director  
Elaine Yeatts, Senior Policy Analyst  
Missy Currier, Board Operations Manager

**Representative from the Office of the Attorney General present for the meeting:**

Erin Barrett, Assistant Attorney General

**Quorum:**

With 5 members present & consisting of at least one citizen member, a quorum was established.

**Guests Present:**

Jeanne Grady, Virginia Assisted Living Association (VALA)  
Dana Parsons, Virginia Association of Nonprofit Homes for the Aging (VANHA)

**CALLED TO ORDER**

Mr. Orsini, Chair, called the Board meeting to order at 9:14 a.m.

## **PUBLIC COMMENT PERIOD**

Mr. Orsini shared a copy of a written email the board received from Sarah Stuchlak, NHA, who indicated that she would be unable to attend the meeting but had requested that an issue be raised during public comment on her behalf.

## **ORDERING OF THE AGENDA**

The Agenda was approved as ordered.

## **ACCEPTANCE OF MINUTES**

Upon a motion by Kathleen Fletcher and properly seconded by Karen Stanfield, the Board voted to accept the following minutes of the board meeting:

- Minutes of Board Meeting – June 19, 2012
- Telephonic Conference Minutes – September 13, 2012
- Telephonic Conference Minutes – September 13, 2012
- Telephonic Conference Minutes – September 13, 2012
- Formal Hearing – October 31, 2012
- Formal Hearing – October 31, 2012

The motion passed unanimously.

## **INFORMAL CONFERENCES HELD**

Mr. Orsini shared that two informal conferences were held on June 19, 2012 and that the minutes are located on the board's website and on regulatory Townhall.

## **EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn**

### **FY13 Budget**

Ms. Hahn reported that the cash balance as of June 30, 2012 was \$(285,901); the revenue for FY13 was \$20,152; the direct and allocated expenditures were \$155,806; the ending cash balance as of October 31, 2012 was \$(421,555).

### **Board Announcement**

Ms. Hahn shared that Ted LeNeave, longtime member on the board recently submitted his official resignation after serving ten and one half (10 ½) years. She stated that Ted and his

family were relocating to Utah he accepted a wonderful opportunity and that she wishes them all the best.

### **Discipline Statistics**

Ms. Hahn reported there are currently 31 open cases; 12 cases are in Investigations, 16 cases are in the probable cause level, 2 cases are in APD, 0 are at the informal stage and 1 is at the formal stage which is being held today. Ms. Hahn stated that 21 Orders were currently being monitored by Ms. Currier who also serves as the Compliance Case Manager for all of Ms. Hahn's boards.

### **FY11 versus FY12**

Ms. Hahn shared that the board received a 55% increase in cases received from 40 cases in FY11 to 62 cases in FY12.

### **Virginia Performs**

Ms. Hahn reported the clearance rate for the first quarter ending March 31, 2012 was 130%. During this quarter we received 10 cases and closed 13. The age of our pending case load over 250 days was at 9%; the percent of cases closed within 250 business days was 85%; the customer satisfaction rating achieved was 93%; and licensing within 30 days was at 100%.

### **Licensee Statistics**

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 55 nursing home administrators in training, 72 assisted living facility administrators in training, 3 "acting" assisted living facility administrator in training, 614 assisted living facility administrators, 181 assisted living facility preceptors; 850 nursing home administrators and 230 nursing home preceptors.

### **Board Presentations**

Ms. Hahn shared that Missy Currier presented at the vaLTC Fall Conference held in Roanoke on September 27, 2012.

### **NAB Annual Meeting**

Ms. Hahn shared that she attended the 2012 NAB Mid-Year Meeting held in San Diego, California in early November and that she is in her third year of serving as the Chair on the State Governance and Regulatory Issues Committee and the State Executive Forum.

### **2013 Calendar**

Ms. Hahn stated that the 2013 board meetings were scheduled for March 12<sup>th</sup>, June 18<sup>th</sup>, September 10<sup>th</sup> and December 10<sup>th</sup>. Mr. Orsini suggested that the members record the meeting dates on their calendars to avoid last minute meeting conflicts for establishing quorums.

**NEW BUSINESS**

**Legislative & Regulatory Reports – Elaine Yeatts**

Ms. Yeatts reviewed the status of regulations pertaining to 18VAC95-20 Nursing Home Administrators as of November 26, 2012:

- Re-Proposed Fee Increase – At Secretary’s Office for 109 days.
- Periodic Review – more flexibility in CE courses and in administrator-in-training qualification – Fast-Track – At Governor’s Office for 27 days.

Ms. Yeatts reviewed the status of regulations pertaining to 18VAC95-30 Assisted Living Facility Administrators:

- Oversight of acting administrators in an AIT program – At Governor’s Office for 192 days.

**Notice of Periodic Review**

Ms. Yeatts informed the board that she has been alerted that as part of the Governor's Regulatory Reform Project, they would be required to conduct a periodic review of 18VAC95-30, the Regulations Governing the Practice of Assisted Living Facility Administrators. She explained that the goal of the review would be to repeal unnecessary regulations that are no longer in use; reduce unnecessary regulatory burdens on individuals, businesses, and other regulated groups; and identify statutes that require unnecessary or overly burdensome regulations. Ms. Yeatts shared the suggestions that staff made for changes in Regulatory Reform (**Attachment A**).

Ms. Yeatts further stated the board would seek public comment on any issues relating to the review from December 17, 2012 through January 16, 2013.

**ADJOURNMENT**

With all business concluded, the meeting was adjourned at 9:46 a.m.

\_\_\_\_\_  
Thomas J. Orsini, NHA, Chair

\_\_\_\_\_  
Lisa R. Hahn, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Attachment A**

**Part I. General Provisions.**

**18VAC95-30-10. Definitions.**

A. The following words and terms when used in this chapter shall have the definitions ascribed to them in §54.1-3100 of the Code of Virginia:

“Assisted living facility”

“Assisted living facility administrator”

“Board”

B. The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

“ALF AIT” shall mean an assisted living facility administrator-in-training.

“Domains of practice” means the content areas of tasks, knowledge and skills necessary for administration of a residential care/assisted living facility as approved by the National Association of Long Term Care Administrator Boards.

“NAB” means the National Association of Long Term Care Administrator Boards.

**18VAC95-30-20. Posting of license.**

Each licensee shall post his license in a main entrance or place conspicuous to the public in each facility in which the licensee is administrator-of-record.

**18VAC95-30-30. Accuracy of information.**

A. All changes in the address of record or the public address, if different from the address of record, or the name of a licensee, trainee, or preceptor shall be furnished to the board within 30 days after the change occurs.

B. All notices required by law and by this chapter to be mailed by the board to any licensee shall be validly given when mailed to the latest address of record on file with the board and shall not relieve the licensee, trainee, or preceptor of the obligation to comply.

**18VAC95-30-40. Required fees.**

A. The applicant or licensee shall submit all fees below that apply:

- |                                |       |
|--------------------------------|-------|
| 1. ALF AIT program application | \$185 |
| 2. Preceptor application       | \$50  |
| 3. Licensure application       | \$200 |

4. Verification of licensure requests from other states	\$25
5. Assisted living facility administrator license renewal	\$225
6. Preceptor renewal	\$50
7. Penalty for assisted living facility administrator late renewal	\$65
8. Penalty for preceptor late renewal	\$20
9. Assisted living facility administrator reinstatement	\$315
10. Preceptor reinstatement	\$95
11. Duplicate license	\$15
12. Duplicate wall certificates	\$25
13. Returned check	\$35

B. Fees shall not be refunded once submitted.

C. Examination fees are to be paid directly to the service contracted by the board to administer the examination.

**18VAC95-30-50. Practice by a licensed nursing home administrator.**

Pursuant to §54.1-3102 B of the Code of Virginia, a person who holds a license as a nursing home administrator issued by the board may engage in the general administration of an assisted living facility.

**Part II. Renewals and Reinstatements.**

**18VAC95-30-60. Renewal requirements.**

A. A person who desires to renew his license or preceptor registration for the next year shall, not later than the expiration date of March 31 of each year, submit a completed renewal form and fee.

B. The renewal form and fee shall be received no later than the expiration date. Postmarks shall not be considered.

C. An assisted living facility administrator license or preceptor registration not renewed by the expiration date shall be invalid.

**18VAC95-30-70. Continuing education requirements.**

A. In order to renew an assisted living administrator license, an applicant shall attest on his renewal application to completion of 20 hours of approved continuing education for each renewal year.

1. Up to 10 of the 20 hours may be obtained through Internet or self-study courses and up to 10 continuing education hours in excess of the number required may be transferred or credited to the next renewal year.

2. A licensee is exempt from completing continuing education requirements ~~and considered in compliance on~~ for the first renewal date following initial licensure in Virginia.

B. In order for continuing education to be approved by the board, it shall be related to the domains of practice for residential care/assisted living and approved or offered by NAB, an accredited educational institution or a governmental agency.

C. Documentation of continuing education.

1. The licensee shall retain in his personal files for a period of three renewal years complete documentation of continuing education including evidence of attendance or participation as provided by the approved sponsor for each course taken.

2. Evidence of attendance shall be an original document provided by the approved sponsor and shall include:

a. Date or dates the course was taken;

b. Hours of attendance or participation;

c. Participant's name; and

d. Signature of an authorized representative of the approved sponsor.

3. If contacted for an audit, the licensee shall forward to the board by the date requested a signed affidavit of completion on forms provided by the board and evidence of attendance or participation as provided by the approved sponsor.

D. The board may grant an extension of up to one year or an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the administrator, such as a certified illness, a temporary disability, mandatory military service, or officially declared disasters.

#### **18VAC95-30-80. Late renewal.**

A. A person who fails to renew his license or preceptor registration by the expiration date shall, within one year of the initial expiration date:

1. Submit the renewal notice or request renewal by mail to the board;

2. Submit the applicable renewal fee and penalty fee;

3. Provide evidence as may be necessary to establish eligibility for renewal.

B. The documents required in subsection A of this section shall be received in the board office within one year of the initial expiration date. Postmarks shall not be considered.

#### **18VAC95-30-90. Reinstatement for an assisted living facility administrator license or preceptor registration.**

A. The board may reinstate an assisted living facility administrator license or preceptor registration that was not renewed within one year of the initial expiration date.

B. An applicant for assisted living facility administrator license reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and provide one of the following:

1. Evidence of the equivalent of 20 hours of continuing education for each year since the last renewal, not to exceed a total of 60 hours.
2. Evidence of active practice in another state or U.S. jurisdiction or in the U.S. armed services during the period licensure in Virginia was lapsed.
3. Evidence of requalifying for licensure by meeting the requirements prescribed in 18VAC95-30-100 and 18VAC95-30-110.

C. An applicant for preceptor reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and meet the current requirements for a preceptor in effect at the time of application for reinstatement.

### **Part III. Requirements for Licensure.**

#### **18VAC95-30-95. Licensure of current administrators. [Repealed].**

~~A. Until January 2, 2009, any person who has served in one of the following positions for the period of one of the four years immediately preceding application for licensure may be licensed by the board:~~

- ~~1. A full-time administrator of record in accordance with requirements of 22VAC40-72-200, or an assistant administrator in an assisted living facility, as documented on an application for licensure; or~~
- ~~2. A full-time regional administrator with onsite supervisory responsibilities for one or more assisted living facilities with at least two years of previous experience as the administrator of an assisted living facility, as documented on an application for licensure.~~

~~B. Persons who are applying for licensure based on experience as an administrator, as specified in subsection A, shall document a passing grade on the national credentialing examination for administrators of assisted living facilities approved by the board.~~

#### **18VAC95-30-100. Educational and training requirements for initial licensure.**

A. To be qualified for initial licensure as an assisted living facility administrator, an applicant shall hold a high school diploma or general education diploma (GED) and hold one of the following qualifications:

1. Administrator-in-training program.
  - a. Complete at least 30 semester hours in an accredited college or university in any subject and 640 hours in an ALF AIT as specified in 18VAC95-30-150;
  - b. Complete an educational program as a licensed practical nurse and hold a current, unrestricted license or multistate licensure privilege and 640 hours in an ALF AIT;
  - c. Complete an educational program as a registered nurse and hold a current, unrestricted license or multistate licensure privilege and 480 hours in an ALF AIT;
  - d. Complete at least 30 semester hours in an accredited college or university with courses in the content areas of (i) Client/resident care; (ii) Human resources management; (iii) Financial management; (iv) Physical environment; and (v) Leadership and governance; and 320 hours in an ALF AIT;



e. Hold a master's or a baccalaureate degree in health care related field or a comparable field that meets the requirements of subsection B of 18VAC95-30-100 with no internship or practicum and 320 hours in an ALF AIT program; or

f. Hold a master's or baccalaureate degree in an unrelated field and 480 hours in an ALF AIT program; or

2. Certificate program.

Hold a baccalaureate or higher degree in a field unrelated to health care from an accredited college or university and successfully complete a certificate program with a minimum of 21 semester hours study in a health care related field that meets course content requirements of subsection B of this section from an accredited college or university and successfully complete not less than a 320-hour internship or practicum that addresses the domains of practice as specified in 18VAC95-30-160 in a licensed assisted living facility as part of the certificate program under the supervision of a preceptor; or

3. Degree and practical experience.

Hold a baccalaureate or higher degree in a health care related field that meets the course content requirements of subsection B of this section from an accredited college or university and have completed not less than a 320-hour internship or practicum that addresses the Domains of Practice as specified in 18VAC95-30-160 in a licensed assisted living facility as part of the degree program under the supervision of a preceptor.

B. To meet the educational requirements for a degree in a health care related field, an applicant must provide a transcript from an accredited college or university that documents successful completion of a minimum of 21 semester hours of coursework concentrated on the administration and management of health care services to include a minimum of six semester hours in the content area set out in subdivision 1 of this subsection, three semester hours in each of the content areas in subdivisions 2 through 5 of this subsection, and three semester hours for an internship or practicum.

1. Resident/client services management;
2. Human resource management;
3. Financial management;
4. Physical environment management;
5. Leadership and governance.

**18VAC95-30-110. Examination requirement for initial licensure.**

To be licensed under 18VAC95-30-95 or 18VAC95-30-100, an applicant shall provide evidence of a passing grade on the national credentialing examination for administrators of assisted living facilities approved by the board.

**18VAC95-30-120. Qualifications for licensure by endorsement or credentials.**

A. If applying from any state or the District of Columbia in which a license, certificate or registration is required to be the administrator of an assisted living facility, an applicant for licensure by endorsement shall hold a current, unrestricted license, certificate or registration

from that state or the District of Columbia. If applying from a jurisdiction that does not have such a requirement, an applicant may apply for licensure by credentials, and no evidence of licensure, certification or registration is required.

- B. The board may issue a license to any person who:
1. Meets the provisions of subsection A;
  2. Has not been the subject of a disciplinary action taken by any jurisdiction in which he was found to be in violation of law or regulation governing practice and which, in the judgment of the board, has not remediated;
  3. Meets one of the following conditions:
    - a. Has practiced as the administrator of record in an assisted living facility that provides assisted living care as defined in § 63.2-100 of the Code of Virginia for at least two of the four years immediately preceding application to the board; or
    - b. Has education and experience substantially equivalent to qualifications required by this chapter and has provided written evidence of those qualifications at the time of application for licensure; and
  4. Has successfully passed a national credentialing examination for administrators of assisted living facilities approved by the board.

**18VAC95-30-130. Application package.**

- A. An application for licensure shall be submitted after the applicant completes the qualifications for licensure.
- B. An individual seeking licensure as an assisted living facility administrator or registration as a preceptor shall submit:
1. A completed application as provided by the board;
  2. Additional documentation as may be required by the board to determine eligibility of the applicant;
  3. The applicable fee; and
  4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and the regulations relating to assisted living facilities.
- C. With the exception of school transcripts, examination scores, and verifications from other state boards, all parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year, after which time the application shall be destroyed and a new application and fee shall be required.

**Part IV. Administrator-in-Training Program.**

**18VAC95-30-140. Training qualifications.**

- A. To be approved as an ALF administrator-in-training, a person shall:
1. Meet the requirements of 18VAC95-30-100 A 1;
  2. Obtain a preceptor to provide training;

3. Submit the application provided by the board and the fee prescribed in 18VAC95-30-40; and
4. Submit additional documentation as may be necessary to determine eligibility of the applicant and the number of hours required for the ALF AIT program.

B. With the exception of school transcripts, all required parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year after which time the application shall be destroyed and a new application and fee shall be required.

**18VAC95-30-150. Required hours of training.**

A. The ALF AIT program shall consist of hours of continuous training as specified in 18VAC95-30-100 A 1 in a facility as prescribed in 18VAC95-30-170 to be completed within 24 months. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B of this section.

B. An ALF AIT applicant with prior health care work experience may request approval to receive hours of credit toward the total hours as follows:

1. An applicant who has been employed full time for one of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT;
2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years, in a licensed assisted living facility or nursing home shall complete 320 hours in an ALF AIT; or
3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years, in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT.

**18VAC95-30-160. Required content of an ALF administrator-in-training program.**

A. Prior to the beginning of the training program, the preceptor shall develop and submit for board approval a training plan which shall include and be designed around the specific training needs of the administrator-in-training. The training plan shall include the tasks and the knowledge and skills required to complete those tasks as approved by NAB as the domains of practice for residential care/assisted living in effect at the time the training is being provided. An ALF AIT program shall include training in each of the learning areas in the domains of practice.

B. An ALF AIT shall be required to serve weekday, evening, night and weekend shifts and to receive training in all areas of an assisted living facility operation.

**18VAC95-30-170. Training facilities.**

Training in an ALF AIT program or for an internship or practicum shall be conducted only in:

1. An assisted living facility or unit licensed by the Virginia Board of Social Services or by a similar licensing body in another jurisdiction;
2. An assisted living facility owned or operated by an agency of any city, county, or the Commonwealth or of the United States government; or
3. An assisted living unit located in and operated by a licensed hospital as defined in §32.1-123 of the Code of Virginia, a state-operated hospital, or a hospital licensed in another jurisdiction.

**18VAC95-30-180. Preceptors.**

A. Training in an ALF AIT program shall be under the supervision of a preceptor who is registered or recognized by **a licensing board similar licensing body in another jurisdiction.**

B. To be registered by the board as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;
2. Be employed full-time as an administrator in a training facility or facilities for a minimum of one of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and
3. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;
2. Be routinely present with the trainee in the training facility; and
3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

D. A preceptor may supervise no more than two trainees at any one time.

**18VAC95-30-190. Reporting requirements.**

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training.

B. The trainee's certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the program.

**18VAC95-30-200. Interruption or termination of program.**

A. If the program is interrupted because the registered preceptor is unable to serve, the trainee shall notify the board within ~~five~~ **ten** working days and shall obtain a new preceptor who is registered with the board within 60 days.

1. Credit for training shall resume when a new preceptor is obtained and approved by the board.
2. If an alternate training plan is developed, it shall be submitted to the board for approval before the trainee resumes training.

B. If the training program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within five working days. The preceptor shall also submit all required monthly progress reports completed prior to termination.

**Part V. Refusal, Suspension, Revocation and Disciplinary Action.**

**18VAC95-30-210. Unprofessional conduct.**

The board may refuse to admit a candidate to an examination, refuse to issue or renew a license or approval to any applicant, suspend a license for a stated period of time or indefinitely, reprimand a licensee, place his license on probation with such terms and conditions and for such time as it may designate, impose a monetary penalty, or revoke a license for any of the following causes:

1. Conducting the practice of assisted living administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;
2. Failure to comply with federal, state, or local laws and regulations governing the operation of an assisted living facility;
3. Conviction of a felony or any misdemeanor involving abuse, neglect or moral turpitude;
4. Failure to comply with any regulations of the board; or
5. Inability to practice with skill or safety.