

**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, September 24, 2013 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

The following members were present:

Martha H. Hunt, ALFA, Vice-Chair
John Randolph Scott, NHA, ALFA
Kathleen R. Fletcher, MSN, Citizen Member
Karen Stanfield, NHA, Citizen Member
Amanda Gannon, NHA
Doug Nevitt, ALFA

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

Thomas J. Orsini, NHA, Chair
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
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

Quorum:

With 6 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

Ms. Hunt, Vice-Chair, called the Board meeting to order at 9:36 a.m.

PUBLIC COMMENT PERIOD

There was no public comment.

ORDERING OF THE AGENDA

The Agenda was approved after re-ordering Tab 2 for discussion following the election of officers.

ACCEPTANCE OF MINUTES

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

- Minutes of Board Meeting – December 11, 2012
- Formal Hearing – December 11, 2012
- Public Hearing – July 11, 2013

The motion carried unanimously.

INFORMAL CONFERENCES HELD

Ms. Hunt shared that the following informal conferences were held:

- (4) March 12, 2013
- (2) June 19, 2013
- August 16, 2013

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 \$376,522; the direct and allocated expenditures were \$435,014; the ending cash balance as of June 30, 2013 was \$(344,393). Discussion followed regarding the continued need for the request for a fee increase to be approved by the Administration immediately. The longer it takes to have the approval for a fee increase, the greater the deficit. Ms. Hahn concluded that it will take years for the board to recover financially.

Discipline Statistics

Ms. Hahn reported there are currently 28 open cases; 18 cases in Investigations, 4 cases in the probable cause level, 4 cases in APD, 2 in the informal stage and 0 at the formal stage. Ms. Hahn stated that 20 Orders were currently being monitored for compliance.

Virginia Performs

Ms. Hahn reported the clearance rate for the first quarter ending June 30, 2013 was 90%. During this quarter we received 10 cases and closed 9. The age of our pending case load over 250 days was at 5%; the percent of cases closed within 250 business days was 78% (2 cases were closed over 250 days); the customer satisfaction rating achieved was 100%; and licensing within 30 days was at 100%.

Ms. Hahn gave special recognition to her staff for their great customer service.

Licensee Statistics

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows:

- NHA: 847 Administrators; 75 AIT's; 238 Preceptors
- ALF: 614 Administrators; 81 AIT's; 5 "Acting AIT's", 180 Preceptors

Board Presentations

- April 25th - vaLTC Spring Conference in Short Pump, VA – Annie Artis
- May 6th –DSS Provider Training for the Eastern and Peninsula Region – Virginia Beach
Lisa Hahn & Missy Currier

Board Business

ALF Stakeholders Meetings

Ms. Hahn shared that an ALF Stakeholders Committee was formed this year similar to NFAC which will deal with issues involving Assisted Living Facilities. She stated that Randy Scott was a member that she and Missy Currier attended two meetings held in April and July. She further shared that at the Committees request; she provided board statistics on discipline including the various types of cases that were received. Ms. Hahn further shared that the Committee expressed concern for a lack of Preceptors and she was asked by a member of the Committee if the board would consider offering CE credit to Preceptors. Ms Hahn concluded that another email push was sent in the spring in an effort to increase the Voluntary Public Contact List for Preceptors and that she would share the suggestion with the board regarding offering CE credit to Preceptors.

Maryland Board of Examiners

Ms. Hahn shared that she held a teleconference with the Maryland Board who are seeking guidance into establishing ALF regulations.

Nursing Facility Advisory Committee

Ms. Hahn shared that she attended the last meeting in which various Nursing Home issues were discussed including unclaimed dead bodies. She stated she attended a meeting held by the AG's office which included approximately 30 interested parties. Ms. Hahn stated the meeting did not result in any solutions but that she anticipates proposed legislation during the 2014 General Assembly Session and that she just wanted to make the board aware. Ms. Hahn shared that Karen Stanfield is a member of the NFAC and was also in attendance at the meeting.

Calendar

- **2013:** December 10th
- **2014:** March 4th; June 24th; September 9th; December 16th

Ms. Hahn suggested that the members record the meeting dates on their calendars to avoid last minute conflicts for establishing quorums.

BREAK

The board recessed at 11:00 a.m. for a 10 minute break and reconvened at 11:10 a.m.

NAB Business Update

- Ms. Hahn attended the Executive Committee Meeting February 19-22nd
- Lynne Helmick attended the 2013 NAB Annual Meeting June 12 -14th.
- Ms. Hahn will be attending the NAB Mid-Year meeting from November 5 – 8th
- Ms. Hahn has served 4 years as the Chair of SG & RIC and oversees 2 Forums
- Ms. Hahn holds national conference calls updating the states on previous & upcoming meeting, projects etc.

NAB's New Professional Practice Analysis

Ms. Hahn shared that NAB formed a Professional Practice Analysis Task Force last fall and that Karen Stanfield had been selected to serve based on her NHA credentials. Ms. Hahn explained that the PPA was looking at the whole spectrum of care to include the following:

- Increased focus on the person centered care
- Decreased focus on the locus of care (location)
- Included is home and community based services (HCBS)

Ms. Hahn then asked Ms. Stanfield to share her experience on the task force. Ms. Stanfield shared that the group had been given the difficult task of re-writing the domains of practice in order to encompass all entities that would result in a “Super License” for the profession. Ms. Stanfield concluded that an on-line survey of the pilot domains has been distributed and they will review the results at the January meeting.

NAB New Website Presentation

Ms. Hahn presented the new revised NAB website and shared that she played a key role in developing the design and content. During the presentation, Ms. Hahn pointed out the public domain accessible by everyone and the board’s domain which is only accessible by the board executive. Ms. Hahn played one of five video snippets that were filmed specifically for the website. She also spoke about future installation of a messaging board that will provide the ability for boards to communicate with one another.

Ms. Hahn recommended that the members take the opportunity to navigate the site when they have the time.

NEW BUSINESS

Status of Regulatory Actions – Elaine Yeatts

18VAC95-20 Nursing Home Administrators as of September 3, 2013:

- Re-Proposed Fee Increase – At Secretary’s Office for 162 days.

Ms. Yeatts commented that the longer the fee increase remains unapproved, the worse the budget situation will become.

18VAC95-30 Assisted Living Facility Administrators:

- Oversight of acting administrators in an AIT program – Board to adopt final regulations during meeting.

Oversight of Acting Administrators – Final Adoption

Ms. Yeatts reviewed the proposed regulations for adoption regarding the oversight of acting administrators in the AIT program. Ms. Yeatts also shared that the board received no comment on the proposed regulations during the Public Hearing or during the comment period.

Upon a motion by Randy Scott and properly seconded by Karen Stanfield, the board voted to adopt the final amendments to 18VAC-95-30-10 et seq., regulations Governing the Practice of Assisted Living Facility Regulations for the oversight of Acting Administrators. The motion carried unanimously.

The Board requested that Ms. Hahn review the pass/fail national exam results, and disciplinary action results from those applicants who served in the "Acting" AIT program and to share at the next meeting.

**Regulations under Governor's Regulatory Reform Project – Fast-Track Action
(Attachment #1):**

Ms. Yeatts explained reviewed the staff recommendations made to **18VAC 95-30-10 et seq.**, of the Regulations the Practice of Assisted Living Facility Administrators under the Governor's Reform Act.

Upon a motion by Amanda Gannon and properly seconded by Randy Scott, the board voted to adopt the proposed amendments pursuant to Regulatory Reform by a Fast-track action to **18VAC95-30-10 et seq.**, Regulations Governing the Practice of Assisted Living Facility Administrators. The motion carried unanimously.

Decision on Petition for Rule-Making

The board considered the petition for rule-making and discussed at length, the accountability and training for persons serving as preceptors for assisted living trainees. The board agreed that annual training for preceptors would be helpful, but the board does not have the funds or resources to develop the training. The board agreed that they cannot prescribe a contract agreement between the AIT and the preceptor but did agree to add a signature line in the AIT application for the preceptor. In conclusion, the board made the decision to retain the current requirements and to refer the matter to a committee for further consideration.

LUNCH BREAK

The board recessed for lunch at 11:35 and reconvened at 12:25

DISCIPLINARY AND PROBABLE CAUSE REVIEW – Lisa R. Hahn

Ms. Hahn provided guidance in the process involved when reviewing cases for Probable Cause and the elements involved in making sound decisions. Key points Ms. Hahn discussed in her review included:

- Probable Cause Determination
- Who Conducts the Review
- Review of the Probable Cause Form & How to Complete it
- 5 Probable Cause Elements
- Making Recommendations

Ms. Hahn emphasized how important it is to ensure that evidence exists to substantiate the alleged violations cited.

Ms. Hahn stated that she would be providing a refresher on Sanction Reference Points at the next meeting.

ELECTION OF OFFICERS

Upon a motion by Randy Scott and properly seconded by Kathleen Fletcher, the board voted on the re-election of Tom Orsini as Board Chair, and Karen Stanfield as Vice-Chair. The motion carried unanimously.

CONSIDERATION OF THE RECOMMENDED DECISION OF THE INFORMAL CONFERENCE COMMITTEE

Ms. Hunt opened the session by asking Ms. Fletcher to enter the board into closed session for the purpose of consideration of the recommended decision of the informal conference committee.

CLOSED SESSION: Upon a motion by Ms. Fletcher, and duly seconded by Mr. Vincent, the Board voted to convene a closed meeting pursuant to Section 2.2-3711 (A) (27) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Crystal Brookins Smith. Additionally, Ms. Fletcher moved that Ms. Hahn, Ms. Helmick, and Ms. Currier attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion passed unanimously.

The Board convened into closed session at 12:45 p.m.

OPEN SESSION: Upon a motion by Ms. Fletcher and duly seconded by Mr. Vincent, the Board voted to open the meeting. The motion carried unanimously. Having certified that the matters discussed in the preceding closed session met the requirements of 2.2.-3711 (A) (27) of the *Code of Virginia*.

The Board re-convened open session at 12:55 p.m.

DECISION: Upon a motion by Randy Scott and properly seconded by Kathleen Fletcher, the board agreed to the recommended decision of the Informal Conference Committee. The motion carried unanimously.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 12:55 p.m.



Martha Hunt, ALFA, Vice-Chair



Lisa R. Hahn, Executive Director

6/24/14
Date

6/24/14
Date

ATTACHMENT #1

Project 3608 BOARD OF LONG-TERM CARE ADMINISTRATORS

Regulatory review changes

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:

"ALFA" means an assisted living facility administrator.

"ALF AIT" means 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.

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, and continued practice may constitute grounds for disciplinary action.

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.

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 of this section shall document a passing grade on the national credentialing examination for administrators of assisted living facilities approved by the board.~~

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 similar licensing board 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.

18VAC95-30-200. 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.