

**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 20, 2016 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #4, Henrico, Virginia.

**The following members were present:**

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

**The following members were absent for the meeting:**

Doug Nevitt, ALFA  
Shervonne Banks, Citizen Member

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

Corie E. Tillman Wolf, J.D., Executive Director  
Lynne Helmick, Deputy Executive Director  
Missy Currier, Deputy Executive Director  
Lisa R. Hahn, Chief Deputy  
Elaine Yeatts, Senior Policy Analyst  
Heather Wright, Program Manager, Board of LTC

**BOARD COUNSEL**

Erin Barrett, Assistant Attorney General

**Quorum:**

With 7 members present a quorum was established.

**Guests Present:**

Matt Mansell, Virginia Health Care Association (VHCA)

**CALLED TO ORDER**

Ms. Hopkins Stanfield, Chair, called the board meeting to order at 10:07 a.m.

## **ORDER OF AGENDA**

A motion was made by Marj Pantone and properly seconded by Mary Brydon to accept the agenda as written. The motion passed unanimously.

## **PUBLIC COMMENT PERIOD**

Public comment was not received.

## **ACCEPTANCE OF MINUTES**

Upon a motion by Mitch Davis and properly seconded by Martha Hunt, the board voted to accept the following minutes:

- Board Meeting – December 15, 2015
- Formal Hearing – March 15, 2016
- Formal Hearing – March 15, 2016
- Summary Suspension Teleconference – May 6, 2016

The motion passed unanimously.

## **INFORMAL CONFERENCES HELD (Informational Purposes Only)**

Ms. Hopkins Stanfield, Chair mentioned that the following Informal Conferences were held:

- (2) January 7, 2016
- (2) August 30, 2016

## **AGENCY DIRECTOR'S REPORT – Lisa R. Hahn, Chief Deputy**

Ms. Hahn provided the following Agency news:

- The Board Member Training is scheduled for October 24, 2016 from 9:30 – 3:30. This year's training will benefit both new members as well as seasoned members and topics will include FOIA, Investigative Procedures & Experiences, and the agency and its responsibilities.
- The Citizens Advocacy Center just concluded their report on the audit of the Health Practitioners Monitoring Program (HPMP) which monitors impaired practitioners. DHP has completed all of the recommendations provided in the audit.

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

**Welcome**

Ms. Hahn welcomed Corie Tillman Wolf, J.D. as the new Executive Director for the boards of Long Term Care Administrators, Physical Therapy, and Funeral Directors and Embalmers. Ms. Hahn stated that Ms. Tillman Wolf was a former Assistant Attorney General in the Health Professions Unit, and also served as the Statewide Facilitator for Victims of Domestic Violence.

Ms. Hahn also introduced Basil Acey as the newest Citizen Member on the board. She stated Mr. Acey was a retired Architect, that he succeeded Dr. Koontz and that the board was looking forward to working with him.

## Budget

### FY16

■ Cash Balance as of June 30, 2015	\$(130,525)
■ YTD FY16 Revenue	557,330
■ <u>Less direct and In-Direct Expenditures</u>	<u>472,072</u>
■ Cash Balance as of June 30, 2016	\$ (45,267)

### FY17 – Projected

■ Cash Balance as of June 30, 2016	\$(130,525)
■ YTD FY17 Revenue	561,230
■ <u>Less direct and In-Direct Expenditures</u>	<u>468,795</u>
■ Cash Balance as of June 30, 2017	\$ 47,168

- FY 14 - (\$368,103)
- FY15 - (\$130,525)
- FY 16 - \$ 106,814
- FY17 - \$ 47,168

## Board Business

### SCHEV

Ms. Hahn reminded the board that during the December meeting she had reported having conversations with Dr. Joseph DeFilippo regarding the best method of disseminating information to the colleges about the requirement for the AIT program. As a follow-up, Dr. DeFilippo issued a letter to the educational institutions requesting that they modify their program to include a 320-hour internship experience, at least as an option; or include a statement on the program website and marketing materials to clarify that any student planning to seek LTCA licensure will need to perform at least a minimum 320-hour internship, and that they will be responsible for arranging such.

Ms. Hahn concluded that we hope that these efforts will reduce the number of applicants who call staff confused about the requirements.

**Presentations**

Board staff conducted the following presentations:

- vaLTC Spring Conference - May 4, 2016
- VCAL Symposium - July 14, 2016
- VALA Fall Conference. – September 21, 2016

**National Examination Statistics (Combined NHA & RC/AL)**

Ms. Hahn stated that staff has reported having received several calls over the past few weeks from applicants who have taken the RC/AL exam and have expressed that it has become much more difficult. Ms. Hahn then shared the following statistics:

<u>Year</u>	<u>Virginia Avg.% P/F</u>	<u>*National Avg.% P/F</u>
2009	66/34	n/a
2010	69/31	62/38
2011	74/26	72.5/27.5
2012	82/18	70/30
2013	69/31	68.5/31.5
2014	64/36	64/36
2015	54/46	56.5/43.5
2016 ytd.	50/50	RC/AL-53.8/NHA –n/a
<b>P = Pass F = Fail</b>	<b>Virginia results from MLO – Licensure Software Program</b>	<b>*National results from the 2015 NAB Annual Report</b>

We have contacted NAB and PSI and they will be researching possible reasons for the lower average passing scores and will follow up with Ms. Tillman Wolf.

**NAB & ACHCA National AIT Program and Online Preceptor Training Program**

Ms. Hahn was pleased to announce that both programs will be officially launched during the NAB Mid-Year Meeting in November. She provided an overview of the AIT Program including the history

of the development, special recognition to the task force participants, phases of the program, and examples of how the AIT manual interacts. The board members shared their enthusiasm for the program and thanked Ms. Hahn for her hard work.

**Staff Notes**

- If you have a change of address, email address, cell phone number, please remember to contact us so that we have the most current information.
- Please try to respond to email requests within a timely manner especially when the email requests a reply for availability or a response to a licensure or disciplinary question.
- If you are going to be on vacation for an extended length of time, please let us know in advance so that we don't inundate you with emails.

**2016 Meetings**

- October 24<sup>th</sup> - Board Member Training
- December 13<sup>th</sup> – Board Meeting

**2017 Tentative Calendar**

- March 14th
- June 13th or 20th
- September 12th or 19th
- December 19<sup>th</sup>

Ms. Hahn stated that it had been a pleasure working with the board and that she will truly miss them but that they are in great hands with Corie and the rest of the staff.

Ms. Hahn concluded her report and gave special thanks to Lynne Helmick and Missy Currier for their hard work managing the operations of the three boards.

**LICENSURE REPORT – Missy Currier, Deputy Director of Licensure**

**Licensee Statistics:**

**ALFA's**

	<b>9/16</b>	<b>9/15</b>	<b>9/14</b>
ALFA's	610	610	614
AIT's	121	118	88
Acting AIT	1	6	4
Preceptors	204	196	182
Total ALF	936	930	888

**NHA's**

	9/16	9/15	9/14
NHA's	876	845	842
AIT's	81	95	67
Preceptors	229	225	233
Total NHA	1,186	1,165	1,142
<b>Combined (NHA &amp; ALFA)</b>	<b>2,122</b>	<b>2,095</b>	<b>2,030</b>

Minimal change in past 3 years (9.5%)

**Licenses/Registrations Issued (07/01/2015 – 06/30/2016)**

• Acting ALF-Administrator-In-Training -	6
• NHA Administrator-in-Training	38
• ALF-Administrator-In-Training	58
• Assisted Living Facility Administrator	53
• Assisted Living Facility Preceptor	22
• Nursing Home Administrator	690
• Nursing Home Preceptor	16
<b>Total</b>	<b>283</b>

Ms. Currier stated that these numbers did not include pending applications.

**Fees Processed**

• Renewals	1,728
• Applications	424
• Miscellaneous	14
• Total Fees	2,166

**Projects/Goals**

Ms. Currier reported that we are working with our IT Department to convert our initial applications from paper forms to online. Our goal is to have this in place by January of 2017. This will streamline the process for both applicants and staff and will allow applicants the ability to pay by credit card.

### Customer Service Satisfaction

Ms. Currier reported that surveys are sent to anyone who has been recently licensed and that the information is then compiled into a survey report and published on a quarterly basis. She then gave special recognition to Heather Wright, Program Manager for the Board for her excellent and continued customer service for always going above and beyond to assist our applicants! All of the Licensure staff provides excellent service and for Board of Long Term Care Administrators Ms. Currier was pleased to report an overall rating of 100% during the following quarters:

Q1 2014, Q2 2014, Q4 2014, Q1 2015, Q2 2015, Q3 2015, Q1 2016, Q2 2016 & Q4 2016.

Ms. Currier concluded her report.

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

#### Discipline Statistics

As of 9/9/2016	As of December 2015
■ 63 open cases: <ul style="list-style-type: none"><li>■ 5 cases in APD</li><li>■ 2 in Entry Status</li><li>■ 6 in Informal Status</li><li>■ 27 in Investigations</li><li>■ 23 in Probable Cause</li></ul>	42 open cases: <ul style="list-style-type: none"><li>1 in APD</li><li>2 in Informal Stage</li><li>2 in Formal Stage</li><li>12 in Investigations</li><li>25 In Probable Cause</li></ul>
■ 6 Compliance Cases	11 Compliance Cases

#### Fiscal Year End Statistics

- FY 2012
  - 63 cases received
  - 57 cases closed
  - 9 (16%) of closed cases went to IFC
- FY 2013
  - 45 cases received
  - 56 cases closed
  - 6 (11%) of closed cases went to IFC
- FY 2014
  - 47 cases received
  - 38 cases closed
  - 5 (13%) of closed cases went to IFC

■ **FY15**

- 64 cases received
- 52 cases closed
  - 19 of closed cases (36%) were ALFA
  - 33 of closed cases (64%) were NHA
  - 5 (9%) of closed cases went to IFC

■ **FY16**

- 78 cases received
- 55 cases closed
  - 2 of closed cases (3%) were ALF-AIT
  - 18 (33%) were ALFA
  - 35 (64%) were NHA
- 6 (11%) of closed cases went to an IFC
- 2(3%) of closed cases went to a Formal Hearing

**Virginia Performs (Patient Care Cases Only) – Fourth Quarter 2016**

- **Clearance Rate** - % of cases closed as compared to number of cases received. 100% goal
  - Agency Wide 94% (previous quarter was approx. 120%)
  - LTCA 36% (previous quarter was over 150%)
- **Age of Pending Caseload** – % of open patient care cases over 250 business days old. 20% goal
  - Agency Wide 18%
  - LTCA 15%
- **Time to Disposition** - % of patient care cases closed within 250 business days for cases received within the preceding eight quarters. 90% goal
  - Agency Wide 87%
  - LTCA 80%

**All Case Information – Fourth Quarter FY2014 - 2016**

- **% of all cases closed in 250 days**

	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>
LTCA	100.0%	84.6%	85.7%
Agency	97.4%	88.3%	85.6%



- **Average days to close a case**

LTCA	143.8	260.5	232.3
Agency	170.1	186.7	188.5

**Case Categories (Cases in which disciplinary action was taken)**

<u>FY15</u>	<u>FY16</u>
• 14 cases total	11 cases total
• 3 standard of care	2 standard of care
• 1 compliance with Order	1 compliance with Order
• 2 CE	1 CE
• 2 failure to report	2 failure to report
• 1 criminal convictions	2 criminal conviction
• 1 drug diversion	1 drug storage
• 3 fraud	1 confidentiality
	1 abuse
	2 deficiencies with other regs (DSS, OLC)

Ms. Helmick concluded her report.

**BREAK**

The Board took a recess from 11:16 a.m. until 11:25 a.m.

**HEALTHCARE WORKFORCE DATA REPORT – Dr. Elizabeth Carter**

Dr. Carter provided informative statistical information regarding the Virginia Nursing Home Administrator survey results conducted by the Healthcare Workforce Data Center. She stated that she had already presented on the Assisted Living Facility Administrators during their December 2015 meeting. She was pleased to share that they received an 88% response rate from the survey which gave an accurate picture of the NHA workforce.

Dr. Carter concluded her report and thanked everyone for filling out the surveys.

Upon a motion by Marj Pantone and properly seconded by Mitch Davis, the board voted to approve the October 2015 Nursing Home Administrator Healthcare Workforce Data Report. The motion carried unanimously.

**NEW BUSINESS**

**Legislative Report – Elaine Yeatts**

Ms. Yeatts had nothing to report at this time.

**PPG Regulatory Change – Fast Track (Attachment A)**

Ms. Yeatts explained in detail the revisions in 18VAC95-11-50 the board needed to consider for the adoption of an amendment by a Fast-track action to the regulations for “Public Participation Guidelines (PPG) regarding Public comment.

Upon a motion by Martha Hunt and properly seconded by Mary Brydon, the board accepted the draft language as presented in order to conform to the Code of Virginia, Title 2.2, Chapter 40 of the Administrative Process Act.

**Consideration of CE Credit for Voluntary Work (Attachment B)**

**NHA**

Ms. Yeatts explained that board would need to promulgate regulations that would allow some volunteer service time to count towards meeting CE requirements. Following discussion and review of the draft verbiage in 18VAC 95-20-175 Continuing Education Requirements, the board agreed to grant 1 hour of credit for continuing education for 1 hour of volunteer services for up to a maximum credit of two hours. Upon a motion by Marj Pantone and properly seconded by Mary Brydon, the board accepted the draft language with suggested changes in section A. 2. and section B.

**ALFA**

Ms. Yeatts explained that board would need to promulgate regulations that would allow some volunteer service time to count towards meeting CE requirements. Following discussion and review of the draft verbiage in 18VAC 95-30-70 Continuing Education Requirements, the board agreed to grant 1 hour of credit for continuing education for 1 hour of volunteer services for up to a maximum credit of two hours. Upon a motion by Martha Hunt and properly seconded by Mitch Davis, the board accepted the draft language with suggested changes in section A. 2. and section B.

**Periodic Review of Regulations (18VAC 95-30 & 18VAC95-20)**

Ms. Yeatts began by sharing that no public comment was received during the comment period related to the notice of periodic review. Ms. Yeatts furthered that if the board agreed, they would be acting on this day as the committee as a whole to review all sections of both the NHA and ALF regulations to determine which regulations the Board intended to review for possible amendment. She explained that the staff conducted a thorough review and had noted several recommendations for the board to consider. Ms. Yeatts then reviewed those specific sections of the NHA and ALFA regulations.

Following discussion, a motion was made by Marj Pantone and properly seconded by Derrick Kendall to approve the Notice of Intent of Regulatory Action (NOIRA) based on the review of NHA regulations. The motion passed unanimously.

A motion was made by Marj Pantone and properly seconded by Mary Brydon to approve the Notice of Intent of Regulatory Action (NOIRA) based on the review of ALFA regulations. The motion passed unanimously.

**Guidance Document 95-12 for Processing Licensure Applications (Attachment C)**

Ms. Helmick reviewed the guidance document which outlines the process for reviewing applications with criminal convictions. It was noted by Erin Barrett, Board Counsel to change the title in the last section on page 2 from Board President to Board Chair.

Upon a motion by Mitch Davis and properly seconded by Marj Pantone, the board voted to adopt Guidance Document 95-12 for processing licensure applications with the suggested change by Erin Barrett. The motion passed unanimously.

**Revisions to Guidance Document 95-8 Bylaws (Attachment D)**

Ms. Tillman Wolf reviewed suggested changes to Guidance Document 95-8. Upon a motion by Martha Hunt and properly seconded by Derrick Kendall, the board voted to adopt Guidance Document 95-8 with the suggested revisions. The motion passed unanimously.

**OFFICER ELECTIONS**

A motion was made by Marj Pantone and properly seconded by Mary Brydon to elect Derrick Kendall as Chair. The motion passed unanimously.


A motion was made by Mitch Davis and properly seconded by Mary Brydon to elect Martha Hunt as Vice-Chair. The motion passed unanimously.

**ADJOURNMENT**

Ms. Hopkins Stanfield adjourned the meeting at 1:37 p.m.



Derrick Kendall, NHA, Chair



Corie E. Tillman Wolf, Executive Director

3/14/17

Date

3/14/17

Date

## Attachment A

### 18VAC95-11-50. Public comment.

- A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.
1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
  2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.
- B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:
1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
  2. For a minimum of 60 calendar days following the publication of a proposed regulation.
  3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
  4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
  5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
  6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
  7. Not later than 21 calendar days following the publication of a petition for rulemaking.
- C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.
- D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.
- E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

## Attachment B

### 18VAC95-20-175. Continuing education requirements.

A. In order to renew a nursing home 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. Up to two hours of the 20 hours required for annual renewal may be satisfied through delivery of services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic.

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

B. In order for continuing education to be approved by the board, it shall be related to health care administration and shall be approved or offered by the National Association of Long Term Care Administrator Boards (NAB), an accredited institution, or a government agency, or as provided in A (2) of this section.

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.

**18VAC95-30-70. 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. Up to two hours of the 20 hours required for annual renewal may be satisfied through delivery of services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic.

2.3. A licensee is exempt from completing continuing education requirements for the first renewal 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, or as provided in A (2) of this section.

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.

## Attachment C

Virginia Board of Long Term Care Administrators  
**Guidance document: 95-12**  
**Adopted: September 20, 2016**  
Guidelines for Processing Applications for Licensure:  
Examination, Endorsement and Reinstatement

Applicants for licensure or registration by examination, endorsement and reinstatement who meet the qualifications as set forth in the law and regulations shall be issued a license, registration, or certificate pursuant to authority delegated to the Executive Director of the Board of Long Term Care Administrators as specified in the Bylaws of the Board. (See Article VII, Bylaws.)

An applicant whose license, registration, or certificate has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure or certification in Virginia unless the credential has been reinstated by the jurisdiction which revoked or suspended it. (Va. Code § 54.1-2408.) A suspension or revocation by another jurisdiction that has been stayed on terms is not considered to be reinstated for purposes of Va. Code § 54.1-2408.

Affirmative responses to any questions on applications for licensure, registration, or certification that might constitute grounds for the Board to refuse to admit a candidate to an examination, refuse to issue a license, registration, or certificate, or impose sanction shall be referred to the Board Chair for guidance on how to proceed.

A criminal conviction for any felony or any misdemeanor involving abuse, neglect, or moral turpitude may cause an applicant to be denied licensure or registration. (Regulations Governing the Practice of Nursing Home Administrators 18VAC95-20-470 and Regulations Governing the Practice of Assisted Living Facility Administrators 18VAC95-30-210) Each applicant, however, is considered on an individual basis, and there are no criminal convictions or impairments that are an absolute bar to licensure or registration by the Board of Long Term Care Administrators.

Applications for licensure, registration, and certification include questions about the applicant's history, including:

1. Any and all criminal convictions;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure, certification, or registration in another state or jurisdiction; and
3. Any mental or physical illness or chemical dependency condition that could interfere with the applicant's ability to practice.

Replying "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It simply means more information must be gathered and considered before a decision can be made. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Long Term Care Administrators has the ultimate authority to approve or deny an applicant for licensure, registration, or certification. (Regulations Governing the Practice of Nursing Home Administrators 18VAC95-20-470 and Regulations Governing the Practice of Assisted Living Facility Administrators 18VAC95-30-210)

The following information will be requested from an applicant with criminal conviction:

- A certified copy of all conviction orders (obtained from the courthouse of record);
- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, evidence of paid fines and restitution, etc.); and
- A letter from the applicant explaining the factual circumstances leading to the criminal offense(s).

The following information will be requested from an applicant with past disciplinary action or licensure/certification/registration denial in another state (unrelated to criminal convictions):

- A certified copy of the Order for disciplinary action or denial from the other state licensing entity;
- A certified copy of any subsequent actions (i.e. reinstatement), if applicable; and
- A letter from the applicant explaining the factual circumstances leading to the action or denial.

The following information may be requested from applicants with a possible impairment:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant's current treating healthcare provider(s) describing diagnosis, treatment regimen, compliance with treatment, and an analysis of the applicant's ability to practice safely; and
- A letter from the applicant explaining the factual circumstances of the condition or impairment and addressing ongoing efforts to function safely (including efforts to remain compliant with treatment, maintain sobriety, attendance at AA/NA meetings, etc.).

The Executive Director may approve the application without referral to the Board Chair in the following cases:

1. The applicant's history of a criminal conviction does not constitute grounds for denial (any felony or any misdemeanor involving abuse, neglect, or moral turpitude) or constitute grounds for Board action pursuant to Regulations Governing the Practice of Nursing Home Administrators 18VAC95-20-470 and Regulations Governing the Practice of Assisted Living Facility Administrators 18VAC95-30-210. (Article VII, Bylaws)
2. The applicant has a history of criminal conviction for felonies or misdemeanors involving abuse, neglect or moral turpitude, but the following criteria are met:
  - Conviction history includes only misdemeanors which are greater than 5 years old, as long as court requirements have been met;
  - If one misdemeanor conviction is less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought; or
  - If the applicant was convicted of one felony more than 10 years ago, when that one felony was non-violent in nature and all court/probationary/parole requirements have been met.
3. Reported juvenile convictions.
4. Applicants with a conviction history previously reviewed and approved by the Board of Long Term Care Administrators provided no subsequent criminal convictions exist. (Article VII, Bylaws.)



## Attachment D

**VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS**  
**Guidance Document: 95-8** **Revised: September 20, 2016**

### BYLAWS

#### Article I. Officers

##### Election, Terms of Office, Vacancies

##### 1. Officers

The officers of the Virginia Board of Long-Term Care Administrators (Board) shall be a Chair and a Vice-Chair.

##### 2. Election.

The organizational year for the Board shall run from July 1st through June 30th. ~~During the first quarter of the year~~ At the last regularly scheduled meeting of the organizational year, the Board shall elect from its members a Chair and a Vice-Chair.

##### 3. Terms of Office.

The terms of office of the Chair and Vice-Chair shall be for one year—~~or until the next election of officers, unless their term on the Board expires before that time.~~ An officer may be re-elected in that same position for a second consecutive term. ~~No officer shall be eligible to serve for more than three consecutive terms in the same office unless serving an unexpired term.~~ Nominations for office shall be selected by open ballot, and election shall require a majority of the members present.

##### 4. Vacancies.

A vacancy occurring in any office shall be filled by a special election at the next meeting of the Board.

#### Article II. Duties of Officers

##### 1. Chair.

The Chair shall preside at all meetings and conduct all business according to the Administrative Process Act and Robert's Rules; shall appoint all committees except where specifically provided by law; shall appoint agency subordinates; shall sign certificates and documents authorized to be signed by the Chair; and, may serve as an ex-officio member of committees.

##### 2. Vice-Chair.

The Vice-Chair shall perform all duties of the Chair in the absence of the Chair.

#### Article III. Duties of Members

##### 1. Qualifications.

After appointment by the Governor, each member of the Board shall forthwith take the oath of office to qualify for service as provided by law.

##### 2. Attendance at meetings.

Members of the Board shall attend all regular and special meetings of the full Board, meetings of committees to which they are assigned and all hearings conducted by the Board at which their attendance is requested by the Executive Director, unless prevented by illness or other unavoidable cause. In the case of an

unavoidable absence of any member from any meeting, the Chair may reassign the duties of such absent member.

#### Article IV. Meeting

##### 1. Number.

The Board shall schedule at least three regular meetings in each year, with the right to change the date or cancel any board meeting with the exception that a minimum of one board meeting will take place annually.

The Chair shall call meetings at any time to conduct the business of the Board and shall convene conference calls when needed to act on summary suspensions and settlement offers. Additional meetings shall be called by the Chair upon the written request of any two members of the Board.

##### 2. Quorum.

~~A majority of the members of the Board shall constitute a quorum at any meeting.~~ Five members of the Board, including one who is not a licensed nursing home administrator or assisted living facility administrator, shall constitute a quorum.

##### 3. Voting.

All matters shall be determined by a majority vote of the members present.

#### Article V. Committees

##### 1. Standing Committees.

As part of their responsibility to the Board, members appointed to a committee shall faithfully perform the duties assigned to the committee. The standing committees of the Board shall be the following:

Legislative and Regulatory Committee  
Credentials Committee  
Special Conference Committees

##### 2. Ad Hoc Committees.

The Chair may appoint an Ad Hoc Committee of two or more members of the Board to address a topic not assigned to a standing committee.

##### 3. Committee Duties.

###### a) Legislative/Regulatory Committee.

The Legislative/Regulatory Committee shall consist of two or more members, appointed by the Chair. This Committee shall consider matters bearing upon state and federal regulations and legislation and make recommendations to the Board regarding policy matters. The Committee shall conduct a periodic review of the laws and regulations. Proposed changes in State laws, or in the Regulations of the Board, shall be distributed to all Board members prior to scheduled meetings of the Board.

###### b) Credentials Committee.

The Credentials Committee shall consist of two or more members appointed by the Chair and shall review all non-routine applications for licensure to determine if the applicant satisfies the requirements established by the Board. The committee shall review requests for extensions of time to earn continuing education and may grant such requests for good cause on a one-time basis. The Committee shall not be

required to meet collectively to complete initial reviews. The committee chair shall provide guidance to staff on the action to be taken as a result of the initial review.

c) Special Conference Committees.

Special Conference Committees shall consist of two or more members appointed by the Chair and shall review investigation reports to determine if there is probable cause to conclude that a violation of law or regulation has occurred, hold informal fact-finding conferences and direct the disposition of disciplinary cases. The Committee shall not be required to meet collectively to complete the initial review. The committee chair shall provide guidance to staff on the action to be taken as a result of the probable cause review.

**Article VI. Executive Director**

1. Designation.

The Administrative Officer of the Board shall be designated the Executive Director of the Board.

2. Duties.

The Executive Director shall:

- a) Supervise the operation of the Board office and be responsible for the conduct the staff and the assignment of cases to agency subordinates,
- b) Carry out the policies and services established by the Board,
- c) Provide and disburse all forms as required by law to include, but not be limited to, new and renewal application forms.
- d) Keep accurate record of all applications for licensure, maintain a file of all applications and notify each applicant regarding the actions of the Board in response to their application. Prepare and deliver licenses to all successful applicants. Keep and maintain a current record of all licenses issued by the Board.
- e) Notify all members of the Board of regular and special meetings of the Board. Notify all Committee members of regular and special meetings of Committees. Keep true and accurate minutes of all meetings and distribute such minutes to the Board members prior to the next meeting.
- f) Issue all notices and orders, render all reports, keep all records and notify all individuals as required by these Bylaws or law. Affix and attach the seal of the Board to such documents, papers, records, certificates and other instruments as may be directed by law.
- g) Keep accurate records of all disciplinary proceedings. Receive and certify all exhibits presented. Certify a complete record of all documents whenever and wherever required by law.
- h) Present the biennial budget with any revisions to the Board for approval.

**Article VII: General Delegation of Authority**

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action unless specified in the Board order.

3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms and documents.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director, who shall consult with a member of a special conference member, the authority to review information regarding alleged violations of law or regulations and determine whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the Chair, the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required and a meeting is not feasible.
8. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
9. The Board delegates to the Executive Director, the authority to approve applications with criminal convictions in accordance with Guidance Document 95-12.

#### **Article VIII. Amendments**

A board member or the Executive Director may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any scheduled meeting of the Board.