

**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, June 13, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia 23233.

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Mitchell P. Davis, NHA
Doug Nevitt, ALFA

STAFF PRESENT FOR ALL OR PART OF MEETING

Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
Dr. David E. Brown, D.C., Agency Director
Elaine Yeatts, Senior Policy Analyst
Heather Wright, Program Manager, LTCA Board
Asia Pham, Intern
Erin Barrett, Assistant Attorney General, Board Counsel

GUESTS PRESENT

Judy Hackler, VALA
Elizabeth Wilkins, Manorhouse Management, Inc.
Jennifer Pryor, Virginia Commonwealth University
Neal Kauder, VisualResearch, Inc.
Kim Small, VisualResearch, Inc.

CALLED TO ORDER

Derrick Kendall, NHA, Chair, called the Board meeting to order at 9:35 a.m.

Board members and staff introduced themselves. With 7 Board members present, a quorum was established.

Mr. Kendall stated the following before the first order of business:

- 1) He reminded the members to speak into the microphones.
- 2) Computers were provided to the Board members for the purpose of the meeting only and have no connection to the internet. The material that they are able to review on the computer is the same material that has been made available to the public.

Ms. Tillman Wolf then read the emergency egress instructions.

ACCEPTANCE OF MINUTES

Upon a motion by Karen Stanfield, NHA, and properly seconded by Mary Brydon, Citizen member, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting – March 14, 2017
- March 9, 2017 - Telephone Conference Call

The motion passed unanimously.

ORDERING OF AGENDA

Upon a motion by Karen Stanfield, NHA, and properly seconded by Marj Pantone, ALFA, the Board voted to accept the Agenda. The vote was unanimous.

PUBLIC COMMENT PERIOD

There was no public comment provided.

AGENCY DIRECTOR'S REPORT- Dr. David E. Brown, Agency Director

Dr. David E. Brown, Agency Director, discussed recent developments in the efforts to address the opioid epidemic, including recent legislation that will become effective in 2020 to require electronic opioid prescriptions, as well as the development of a DHP-lead workgroup to discuss the challenges and obstacles to implementation of the legislation. Dr. Brown discussed a second workgroup that will be led by the Secretary of Health and Human Resources and will focus on the addition of education regarding the proper prescribing of opioids to the curricula in schools educating and training health professionals. With no further questions, Dr. Brown concluded his report.

EXECUTIVE DIRECTOR'S REPORT- Corie Tillman Wolf, Executive Director

Corie Tillman Wolf, Executive Director, began her report with the Expenditure and Revenue Summary.

Cash Balance as of June 30, 2016	(\$45,267)
YTD FY 17 Revenue	\$532,910

<u>Less direct and In-Direct Expenses</u>	<u>\$478,616</u>
Cash Balance as of April 30, 2017	\$ 9,027

Ms. Tillman Wolf provided the following updates from the National Association of Long-Term Care Administrator Boards (NAB):

- Ms. Tillman Wolf will be attending the NAB Annual Meeting scheduled for June 14-16, 2017, and will be able to provide the Board with additional information regarding the Health Services Executive (HSE) and the new exam process.
- The new exam structure for NAB will be released in July 2017. The new exam consists of a multi-component exam with the Core Exam and a Line of Service Exam specific to NHA, RC/AL (Assisted Living), and HCBS (Home and Community Based Services), which is not used in Virginia. There will be an exam blackout period for candidates from June 17-July 4, 2017, while NAB switches to the new exam.
- NAB provided statistics for the pass rates for the NHA and RC/AL (Assisted Living) examinations.
 - In CY 2016, the average pass rate for the RC/AL exam was 60.06% nationally; in Virginia the pass rate was 50.72%. Other states' passage rates ranged from 45.65-84.65%.
 - In CY 2016, the average pass rate for the NHA exam was 62.96% nationally; in Virginia the pass rate was 57.45%. Other states' passage rates ranged from 25-100%.
- In reviewing Virginia's database information for RC/AL exam results, from January 1, 2016, to June 7, 2017, approximately 108 candidates took a total of 181 RC/AL exams. 66 candidates passed the exam, some after multiple attempts. The new exam structure from NAB may impact the results.

Ms. Tillman Wolf provided the following staff updates:

- The LTC licensure application process is now online. Ms. Tillman Wolf thanked Heather Wright for her efforts in bringing the process to the finish line. The Board has begun receiving applications through the online process. The online application process will benefit the Board and Board staff, particularly with processing payments by credit card instead of check.
- The Board of Medicine recently enacted Emergency Regulations for Opioid Prescribing (effective March 15, 2017). The emergency regulations do not apply to nursing homes or assisted living facilities with sole source pharmacies. A reminder regarding this exclusion will be included in the next e-mail blast to administrator licensees.
- A Board Brief was sent to all licensees in April 2017 with information about CE hours, pending regulations, and exam updates.

Ms. Tillman Wolf then provided the Licensure Report:

- Ms. Tillman Wolf reported the numbers of current licensees in the State of Virginia are as follows:
 - Assisted Living Facility Administrators (ALFA)

- ALFA – 578
- ALFA Administrator-In-Training (AIT) – 115
- Acting AIT's – 3
- Preceptors – 191
- Nursing Home Administrators (NHA)
 - NHA – 859
 - NHA Administrator-In-Training (AIT) – 75
 - Preceptors – 218
- Total NHA & ALFA Combined – 2,039

- Ms. Tillman Wolf confirmed that including the preceptor numbers does create a double counting within the combined total ALFAs and NHA's, however the combined total number represents the total number of licenses that exist under each category.
- Customer Satisfaction Survey Results - Ms. Tillman Wolf provided the recent results from customer satisfaction surveys, which resulted in no results for Q3 2017. Ms. Tillman Wolf gave kudos to Heather Wright, the Board's Program Manager, as well as Laura Mueller and Vicki Saxby, who are cross-trained, for the consistently high survey results.

Ms. Tillman Wolf provided reminders to Board members about contact information, e-mail correspondence, and the upcoming meeting calendar.

The next Board meetings are scheduled for:

- September 12, 2017
- December 19, 2017

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

DISCIPLINE REPORT – Lynne H. Helmick, Deputy Executive Director for Discipline

Lynne Helmick, Deputy Executive Director, reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- 68 open cases
 - 3 cases in APD
 - 2 in Formal status
 - 4 in Informal status
 - 15 in Investigation
 - 44 in Probable Cause
- 7 Compliance cases

For Q3 2017, the Board's clearance rate for patient care cases was 143% for Q3 2017; the Board received 7 cases and closed 10 cases. The pending caseload over 250 days at 20%, which is right on goal. The Board closed 67% of patient care cases within 250 days (closed 6 of 10 cases within 250 days); the goal is 90%.

Ms. Helmick provided a summary of some of the reasons why cases age, including possible delays at the investigation, Board, and adjudication stages.

For Q3 2017, for all cases received by the Board (patient care and non-patient care), the Board received 9 cases and closed 13 cases; closed 69.2% of all cases within 250 days (agency average 81.7%); and averaged 282.8 days to close a case (agency average 222.8).

Ms. Helmick provided a summary of the categories of cases processed by the Board in FY16 and the first three quarters of FY17.

With no further questions, Ms. Helmick concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett discussed an issue related to expert testimony that arose based upon a recent Board of Medicine case where a licensee respondent wanted to testify on her own behalf as an expert witness. As a result of the ruling of the Court of Appeals in that case, Ms. Barrett presented to the Board two proposed standards to be considered by the Board for admissibility of expert testimony in hearings. The Attorney General's Office recommends the adoption of Standard #1 (Traditional Virginia Standard).

Upon a motion by Karen Stanfield, NHA, and properly seconded by Marj Pantone, ALFA, the Board voted to adopt Standard #1 (Traditional Virginia Standard) as presented as the standard for expert witness testimony. The vote was unanimous.

BOARD OF HEALTH PROFESSIONS REPORT- Derrick Kendall, NHA, Chair

Derrick Kendall, NHA, Chair, did not have any additional information to report regarding the Board of Health Professions.

Dr. Brown amended his previous agency report to provide an overview of the all-staff training conducted by the agency in May 2017. He discussed the training provided to the investigators by Board staff, which had a primary focus on Long-Term Care cases. He commended Board staff for the organization and style of the training, and commended Kathy Petersen for providing case examples. With no further questions, Dr. Brown concluded his amended report.

NEW BUSINESS - Legislative and Regulatory Update - Elaine Yeatts, Senior Policy Analyst

Elaine Yeatts, Senior Policy Analyst, reported that she had a telephone conference scheduled for tomorrow, Wednesday, June 14, 2017, with the Department of Planning and Budget to discuss the Board's proposed regulations that resulted from the periodic review. With no further questions, Ms. Yeatts concluded her report.

PRESENTATION – VCU School of Gerontology – Assisted Living Facility Administrator Program (NAB-Accredited)

Jennifer Pryor, MA, MS, ALFA, shared a video about the VCU School of Gerontology, and provided an overview of the School's Assisted Living Facility Administrator Program, which was accredited with conditions by NAB in November 2016. Ms. Pryor reported that the program has completed the conditions and anticipates receiving full accreditation by NAB at the Annual Meeting scheduled for this week. The program is the first NAB-accredited program in Virginia and the accredited AL program will officially start for the 2017-2018 school year. Ms. Pryor anticipates that approximately 30 students per year will enroll in the AL program. Currently students enrolled at the VCU School of Gerontology who take the examinations for licensing have a 66% passage rate.

Shervonne Banks, Citizen Member, commended VCU for the program and for providing an opportunity for gerontologists in the area of assisted living.

Ms. Pryor answered questions of Board members regarding community partnerships and preceptor support. She further provided positive feedback for the AIT manual and preceptor training developed by NAB.

With no further questions, Ms. Pryor concluded her presentation.

PRESENTATION – Sanctioning Reference Points – Neal Kauder and Kim Small

Neal Kauder, President, and Kim Small, Senior Research Associate, VisualResearch, Inc., provided an overview of the Sanctioning Reference Points (SRP) tool currently used by the Board in discipline cases, primarily informal conferences. He described how the sanctioning tool was developed and how it is used to promote consistency. The current SRP tool used by the Board was adopted in March 2010 based upon 45 cases that were adjudicated between 1999-2009 and has not been revised since that time. Ms. Small then walked the Board members through a sample case showing how a case would be scored using the current SRP worksheet. With no further questions, Mr. Kauder and Ms. Small concluded their report.

Upon a Motion made by Marj Pantone and properly seconded by Karen Stanfield, the Board voted to proceed with updates to the Sanctioning Reference Point tool. The vote was unanimous.

TRAINING - Erin Barrett, Assistant Attorney General

Erin Barrett, Assistant Attorney General, Board Counsel, provided training to Board members regarding the disciplinary process, including the process for formal hearings, the sanctions that can be imposed, and the appeals process. With no further questions, Ms. Barrett concluded her training.

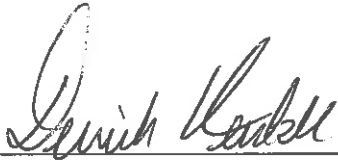
NEXT MEETING

The next Board meeting is scheduled for September 12, 2017. Mr. Kendall indicated that that date may conflict with another meeting and that the Board meeting may need to be rescheduled. Additional information about a possible reschedule date will be forthcoming.

ADJOURNMENT

Prior to the conclusion of the meeting, Ms. Tillman Wolf introduced Asia Pham, a rising sophomore at Virginia Commonwealth University, as the summer intern for the Boards of Long-Term Care Administrators, Funeral Directors & Embalmers, and Physical Therapy.

With all business concluded, the meeting was adjourned at 12:05 p.m.



Derrick Kendall, NHA, Chair

10/5/17

Date



Corie Tillman Wolf, Executive Director

10/5/17

Date