

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

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

September 27, 2019

The Virginia Board of Long-Term Care Administrators convened for a board meeting on Friday, September 27, 2019 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Mitchell P. Davis, NHA, Chair
Marj Pantone, ALFA, Vice-Chair
Basil Acey, Citizen Member
Martha H. Hunt, ALFA
Derrick Kendall, NHA

BOARD MEMBERS ABSENT

Shervonne Banks, Citizen Member
Karen Hopkins Stanfield, NHA

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Assistant Attorney General
Trasean Boatwright, Licensing Specialist
Sarah Georgen, Licensing and Operations Manager
Lisa Hahn, Chief Operations Officer
Kelley Palmatier, J.D., Deputy Executive Director
Corie Tillman Wolf, J.D., Executive Director
Elaine Yeatts, Senior Policy Analyst

OTHERS PRESENT

Judy Hackler, Virginia Assisted Living Association
Nancy Hofheimer
Dana Parsons, Leading Age Virginia
April Payne, Virginia Health Care Association/Virginia Center for Assisted Living
Jennifer Pryor, Virginia Commonwealth University, Department of Gerontology
Kathaleen Creegan-Tedeschi, Office of Licensure and Certification
Alexa Van Aartrijk, Virginia Commonwealth University, Department of Gerontology

CALL TO ORDER

Mr. Davis called the meeting to order at 10:05 a.m. and asked the Board members and staff to introduce themselves.

QUORUM

With five members present a quorum was established.

MISSION

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

Ms. Tillman Wolf read the Emergency Egress Procedures.

APPROVAL OF MINUTES

Ms. Tillman Wolf requested a small revision full board meeting minutes for March 12, 2019 indicating a correction to the change in current licensure count for Nursing Home Administrators.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Pantone, the Board voted to accept the following meeting minutes as amended:

- Board Meeting – March 12, 2019
- Formal Hearings – March 12, 2019
- Regulatory Advisory Panel – April 26, 2019 and July 19, 2019

The motion passed unanimously.

ORDERING OF THE AGENDA

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Hunt, the Board voted to accept the agenda as written. The motion passed unanimously.

PUBLIC COMMENT

Judy Hackler, Virginia Assisted Living Association, thanked the Board for facilitating the Regulatory Advisory Panel meetings and encouraged the Board to consider the recommendations regarding additional pathways to licensure.

AGENCY REPORT – Lisa Hahn

Ms. Hahn announced that the Department of Health Professions (DHP) has scheduled the 2019 Board member training for October 7, 2019. She reviewed the topics of the training and encouraged Board members to attend. She reminded the Board members that Conflict of Interest Act training was required, in accordance with § 2.2-3132, within two months after becoming a Board member and at least once during each consecutive period of two calendar years thereafter. She requested that any Board member unable to attend the training should complete the training module online at <http://ethics.dls.virginia.gov/> or contact ethics@dls.virginia.gov.

Ms. Hahn updated the Board regarding the upcoming building security measures. She said that the building tenants have worked with the Henrico and Virginia State Police to assess the building and have identified several possible changes including the relocation of the security desk, purchasing walk-through metal detectors, and bag and wand screening. She stated that she anticipates the implementation of these changes by the end of 2019.

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

PRESENTATIONS

Overview of the DHP Enforcement Division

Mr. Davis welcomed Michelle Schmitz, Director of Enforcement, to provide an overview of the Department of Health Professions (DHP) Enforcement Division.

2019 Workforce Report – Assisted Living Facility Administrators and Nursing Home Administrators

Mr. Davis welcomed Dr. Elizabeth Carter and Dr. Yetty Shobo of the Healthcare Workforce Data Center to provide information on the draft 2019 Workforce Reports for Assisted Living Facility Administrators and Nursing Home Administrators.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Pantone, the Board voted to collect additional data through the Healthcare Workforce Data Center’s annual survey of licensees regarding the bed size of facilities overseen by administrators and how the data correlates with the salary range of licensees. The motion passed unanimously.

Upon a **MOTION** by Ms. Pantone, and properly seconded by Ms. Hunt, the Board voted to accept the 2019 Workforce Reports for Assisted Living Facility Administrators and Nursing Home Administrators as written. The motion passed unanimously.

EXECUTIVE DIRECTOR’S REPORT – Corie Tillman Wolf, J.D.

Ms. Tillman Wolf welcomed Trasean Boatwright, Licensing Specialist for the Board of Long-Term Care Administrators, and Kelley Palmatier, Deputy Executive Director of the Board.

Ms. Tillman Wolf provided the following report:

Expenditure and Revenue Summary

Cash Balance as of June 30, 2019	\$ 44,674
YTD FY19 Revenue	\$ 23,960
Less: YTD Direct and In-Direct Expenditures	\$ 95,583
Cash Balance as of January 31, 2019	\$(26,949)

Ms. Tillman Wolf stated that the recommendation from finance was that no action should be taken by the Board at this time with regard to fees.

NAB Updates

Ms. Tillman Wolf reported on the National Association of Long Term Care Administrator Boards (NAB) Annual Meeting that took place on June 12-14, 2019. She stated that Dr. Brown and Dr. Carter presented on workforce data, and that Ms. Hunt participated in the RC/AL Exam Committee. She also reported that Ms. Hahn started her second year as NAB Chair.

Ms. Tillman Wolf provided the Board with an update regarding NAB licensure examinations and stated that a practice analysis was underway to ensure questions accurately reflect administrator practice areas.

Ms. Tillman Wolf reported on the Vision 2025 conference from June 2019. She stated that stakeholders in long-term care, individuals from NAB, professional institutions and educators participated in the conference. Ms. Tillman Wolf said that more information regarding the conference and its recommendations would be provided in the future.

Ms. Tillman Wolf stated that the NAB Administrator-In-Training (AIT) Task Force was looking into updates to the AIT manual, the need for preceptors, the need to pay for administrators-in-training, and the acceptance of AIT hours between states. She said that more information would be forthcoming.

Ms. Tillman Wolf reported on the status of the Health Services Executive (HSE) credential and HSE-accredited education programs.

Ms. Tillman Wolf reported on the Continuing Education (CE) Registry offered by NAB.

Staff Updates

Ms. Tillman Wolf provided a presentation with Annette Kelley, formally of the Department of Social Services, to Assisted Living students on March 18, 2019 at the Virginia Commonwealth University (VCU) Department of Gerontology. She also provided a presentation to the Virginia Long Term Care Network on September 12, 2019.

Ms. Tillman Wolf is participating on the Mental Health Task Force convened by the Department of Social Services, and is also participating in the Nursing Facility Action Committee (NFAC) meetings, and attending Assisted Living Stakeholders Meetings.

Ms. Tillman Wolf announced that Caroline Juran, Executive Director with the Board of Pharmacy would provide a presentation at the December Board meeting regarding cannabidiol oil, THC-A oil, and pharmaceutical processors.

Ms. Tillman Wolf reported on recent reports from licensees about fraudulent communications from individuals claiming to be from the Board, or the Drug Enforcement Administration. An email was sent to all licensees regarding the scam calls and emails to make them aware of this concern.

Ms. Tillman Wolf reported on the upcoming Virginia Assisted Living Association (VALA) Fall Conference. She stated that she will be a co-presenter with Jennifer Pryor from the VCU School of Gerontology regarding "Preceptors – Trends and Tools for Success."

Ms. Tillman Wolf stated that she will participate in the NAB Mid-Year Meeting on November 13-15, 2019.

Ms. Tillman Wolf provided the Licensing Report.

Assisted Living Facility Administrators - Current License Count

	August 2019	August 2018	+/-
ALFA's	645	638	+7
AIT's	101	90	+11
Acting AIT	4	4	--
Total ALFA	750	732	+18
Preceptors	202	207	-5

Nursing Home Administrators - Current License Count

	August 2019	August 2018	+/-
NHA's	924	889	+35
AIT's	75	77	-2
Total NHA	999	966	+33
Preceptors	225	231	-6
NHA and ALFA Combined	1,749	1,698	+51

Ms. Tillman Wolf reported on the trends in license count, which continued to show relatively flat growth from December 2013 to August 2019.

Virginia Performs – Customer Service Satisfaction

- FY16 Q1 – 100%
- FY16 Q2 – 100%
- FY16 Q3 – No results
- FY16 Q4 – 100%
- FY17 Q1 – 100%
- FY17 Q2 – 100%
- FY17 Q3 – No results
- FY17 Q4 – 100%
- FY18 Q1 – 100%
- FY18 Q2 – 100%
- FY18 Q3 – 100%
- FY18 Q4 – 100%
- FY19 Q1 – 100%
- FY19 Q2 – 100%
- FY19 Q4 – 100%

Ms. Tillman Wolf reported the agency average for FY19 Q1 was 90%.

Notes

Ms. Tillman Wolf provided reminders to the Board members regarding any updated contact information. She thanked the Board members for their assistance with scheduling requests and their dedication to the Board. She reminded Board members to contact Board staff if they were unable to attend a meeting to ensure the establishment of a quorum.

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

- Tuesday, December 17, 2019 at 10:00 a.m. in Board Room 4

Ms. Tillman Wolf reviewed the tentative 2020 Board meeting schedule with the Board members:

- Tuesday, March 24, 2020
- Tuesday, June 16, 2020
- Tuesday, September 15, 2020
- Tuesday, December 8, 2020

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

DISCIPLINE REPORT – Kelley Palmatier – Deputy Executive Director

As of September 20, 2019, Ms. Palmatier reported the following disciplinary statistics:

- 99 total cases
 - 2 in Formal Hearing
 - 1 in Informal Conferences
 - 30 in Investigation
 - 66 in Probable Cause

Ms. Helmick reported the following Total Cases Received and Closed:

- Q4 2017 – 18/20
- Q1 2018 – 15/5
- Q2 2018 – 24/8
- Q3 2018 – 13/8
- Q4 2018 – 16/31
- Q1 2019 – 31/14
- Q2 2019 – 23/6
- Q3 2019 – 23-27
- Q4 2019 – 14/100

Ms. Palmatier reported the following Virginia Performs statistics for Q4 2019:

- Clearance Rate – 73% Received 11 patient care cases and closed 8 cases
- Pending Caseload over 250 days at 36% was over the 20% goal which represented 29 cases

Ms. Palmatier reported on the last six quarters case information:

Percentage of all cases closed in 1 year						
	Q3-2018	Q4-2018	Q1-2019	Q2-2019	Q3-2019	Q4-2019
LTC	25.0%	29.0%	64.3%	36.4%	42.6%	64.3%
Agency	87.6%	80.6%	85.5%	84.0%	76.4%	82.3%

Average days to close a case						
	Q3-2018	Q4-2018	Q1-2019	Q2-2019	Q3-2019	Q4-2019
LTC	424.1	395.5	253	396.8	400	433
Agency	196.4	201.1	173.8	169.2	258	204

Ms. Palmatier reported on the case categories in which disciplinary action was taken:

FY2018 – 11 cases total:

- 5 Abuse/Abandonment/Neglect
- 5 Business Practice Issues
- 2 Misappropriation of Patient Property
- 1 Standard of Care, Dx/Tx
- 1 Unlicensed Activity
- 1 Continuing Competency Requirement Not Met
- 1 Criminal Activity

FY2019 – 17 cases total:

- 9 Abuse/Abandonment/Neglect
- 13 Business Practice Issues
- 7 Standard of Care, Dx/Tx
- 1 Unlicensed Activity
- 1 Criminal Activity
- 2 Fraud, Non-patient care
- 2 Standard of Care, Other
- 1 Inability to Safely Practice
- 1 Drug-related, Patient Care
- 1 Dishonored Payment

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

BOARD COUNSEL REPORT

Ms. Barrett reminded Board members that they should refrain from the discussion of board-related business outside of a scheduled Board meeting to ensure that they are in compliance with the Freedom of Information Act (FOIA). She advised Board members to contact Board staff regarding any questions or concerns regarding agenda items, attendance, etc.

BREAK

The Board recessed at 11:46 a.m. The Board reconvened at 11:55 a.m.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report

Mr. Kendall noted that the Board of Health Professions report was included in the agenda packet. He reported that the Board of Health Professions recommended the regulation of music therapist as licensees under the Board of Counseling.

Regulatory Advisory Panel Report

Ms. Pantone provided a report on the Regulatory Advisory Panel (“RAP”) meetings held on April 26, 2019 and July 19, 2019. She noted the minutes for both meetings are contained in the agenda packets.

Mr. Davis requested that the Board members take the next agenda item out of order to provide additional time for the Board to discuss the considerations of the RAP during a working lunch.

LEGISLATIVE AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst

Petitions for Rule-making (Simmons)

Ms. Yeatts reviewed the Petitions for Rule-making submitted and requested discussion by the Board members.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Pantone, the Board voted to take no action at this time on the petitioner’s request to allow for more than 40 hours of work per week to count towards the AIT program, but to include the topic for review by the Board with the RAP considerations. The motion passed unanimously.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Hunt, the Board voted to take no action at this time on the petitioner’s request to allow training hours from an Assisted Living AIT program to count towards a Nursing Home AIT program, but to include the topic for review by the Board with the RAP considerations. The motion passed unanimously.

Adoption of Fast Track Regulation Related to Handling Fee for Dishonored/Returned Checks or Payments

Ms. Yeatts provided an overview of the handling fee for dishonored/returned checks or payments.

Upon a **MOTION** by Ms. Pantone, and properly seconded by Mr. Kendall, the Board voted to adopt the Fast Track Regulation Related to Handling Fee for Dishonored/Returned Checks or Payments as presented. The motion passed unanimously.

BREAK

The Board recessed at 12:11 p.m. to allow for a working lunch. The Board reconvened at 12:22 p.m.

DISCUSSION AND POSSIBLE BOARD ACTION

Considerations/Recommendations of Regulatory Advisory Panel

Ms. Pantone and Ms. Tillman Wolf provided an overview of the specific areas of considerations (Area 1-7 Attachment A) and recommendations discussed at the RAP meetings for consideration by the Board. Ms. Tillman Wolf provided an overview of possible Board actions for each area, including areas for support or collaboration and for possible regulatory action by the Board.

Following Board discussion, Ms. Yeatts clarified the possible regulation changes for consideration include:

- (1) Continuing education hours for preceptors;
- (2) Addition of a minimum hour requirement for face-to-face instruction for AITs (not just Acting AITs) or other on-site requirements;
- (3) Creation of an alternative pathway to qualification for an AIT program that may include an eighty-hour course and previous experience in a managerial or supervisory role in healthcare;
- (4) Amendments to the current requirement for 30 hours of post-secondary education in any subject to require specific hours in business or human services to mirror current DSS regulations for residential facility administrators;
- (5) Clarification or modification of AIT training facility requirements, to include consideration of the bed size or type of facility for AIT hours and licensure status of the facility (e.g., not residential only; provisional for Acting AIT who owns the facility);
- (6) Use of NAB manual as a basis or model for training;
- (7) Completion of an eighty-hour NAB training course, with consideration of requirement for all assisted living AITs and with possible credit toward AIT hours; and
- (8) Training and/or continuing education hours related to mental health or dementia for AITs and licensees.

Upon a **MOTION** by Mr. Kendall, which was properly seconded by Ms. Pantone, the Board voted to support the considerations as presented in concept, and consider initiation of regulatory action through a NOIRA at the next full board meeting to allow sufficient time to research additional information and draft possible language for consideration by the Board. The motion passed unanimously.

Upon a **MOTION** by Ms. Pantone, which was properly seconded by Ms. Hunt, the Board voted to support continued collaboration on the proposed items discussed that are non-regulatory actions. The motion passed unanimously.

NEXT MEETING

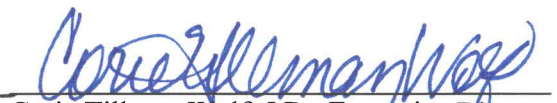
Mr. Davis announced the next full Board meeting will be held on December 17, 2019.

ADJOURNMENT

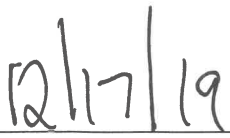
With all business concluded, the meeting adjourned at 1:12 p.m.




Mitchell P. Davis, NHA, Chair



Corie Tillman Wolf, J.D., Executive Director



Date



Date

**Regulatory Advisory Panel – Administrators-in-Training
Considerations for the Board of Long-Term Care Administrators**

Area	Concern	Proposed Action Items for Consideration
Workforce Development	How to interest individuals in administration as a career	<ul style="list-style-type: none"> <input type="checkbox"/> DHP’s Healthcare Workforce Data Center to continue to disseminate Occupational Roadmap to community colleges, schools, and will reach out to the Virginia Healthcare Workforce Authority to share resources <input type="checkbox"/> Provider associations to share Occupational Roadmap on their websites <input type="checkbox"/> Provider associations to build relationships with schools to increase exposure to administration as a career
	Development of academic programs as pipeline for building career administrators	<ul style="list-style-type: none"> <input type="checkbox"/> NAB and National provider associations to continue to collaborate with academic programs to implement recommendations of Vision 2025 Summit, including recommendations to encourage investment in administration as a profession and career path; to encourage investment in/funding for/support of AIT training programs; to develop a common branding, terminology, and messaging for the profession; to study the supply/demand of administrators through NAB foundation and academic program; to establish a comprehensive core curriculum of study in long-term care administration
	Building leadership talent through education and investment, including investment in AIT training	<ul style="list-style-type: none"> <input type="checkbox"/> NAB and National provider associations to collaborate to promote leadership training, as well as financial support of/investment in AIT programs and internships
Preceptor Development and Engagement	Preceptor Directory – updates and utilization	<ul style="list-style-type: none"> <input type="checkbox"/> Board to encourage currently-listed preceptors to (1) update current information and (2) encourage additional preceptors to include information together with any restrictions they may have on their ability to oversee training (e.g. internal only) <input type="checkbox"/> Board to collaborate with provider associations to continue to “get the word out” about the availability of voluntary resource <input type="checkbox"/> Board to collaborate with provider associations to look at resources for matching preceptors and AITs
	Increasing engagement of/availability of preceptors in the AIT training process	<ul style="list-style-type: none"> <input type="checkbox"/> Board to consider change to regulations to permit preceptors to earn CE credit for supervising an AIT program <input type="checkbox"/> Board to collaborate with provider organizations and stakeholders to provide resources and additional training to preceptors <input type="checkbox"/> Board and provider associations to encourage use of NAB preceptor training modules beyond requirements related to initial registration/reinstatement
	Ensuring active involvement of preceptors in the training process	<ul style="list-style-type: none"> <input type="checkbox"/> Board to consider adequate training and oversight of AIT by preceptors when preceptor may not be on-site by reviewing minimum amount of face-to-face time for all AITs (not just Acting AITs) <input type="checkbox"/> Board to consider on-site requirements for preceptors

Area	Concern	Proposed Action Items for Consideration
AIT – Pathways to Registration – Education and Experience	Additional pathway for ALFA AIT based upon experience and/or other relevant educational requirements	<input type="checkbox"/> Board to consider change to regulations to add another pathway to registration for AIT training based upon experience in the long-term care setting (example of at least 2-3 years in managerial or supervisory role within long-term care setting), combined with 80-hour training requirement as prerequisite (NAB provides third party certification of 80 hour program based upon NAB curriculum standards and Domains of Practice); 80 hour program through provider association (not-for-profit) or academic program for implementation of 80-hour training program
	Current requirement for 30 hours of education “in any subject” as basis for approval of applicant to begin ALFA AIT	<input type="checkbox"/> Board to consider change to regulations to strengthen current minimum educational pathway to create link between 30 hours of coursework with coursework related to business and/or health services similar to requirement for residential-only administrators of record per DSS regulations (22VAC40-73-140)
Acting AITs	Review provisions related to Acting AITs for consistency with DSS regulations	<input type="checkbox"/> Board and DSS to collaborate to ensure consistency of regulations and processes related to acting AITs serving as Acting Administrators of record
AIT Training Facility Requirements	Clarifications regarding training facility where AIT conducted to promote comprehensive training and public safety	<input type="checkbox"/> Board to consider changes to regulations related to training facility requirements <ul style="list-style-type: none"> <input type="checkbox"/> Consider whether there should be a minimum size or bed capacity at the training facility, or in the alternative, consider whether a percentage of training hours must be conducted at a comprehensive care facility <input type="checkbox"/> Clarify that training for AL must occur at assisted living facility licensed by DSS that is not a residential-only AL facility <input type="checkbox"/> Consider provision that Acting AIT cannot be conducted at applicant’s own new/conditionally licensed facility
AIT Reporting Requirements	Improve reporting process for AITs	<input type="checkbox"/> Board to conduct ongoing review of reports for content to ensure reports accurately capture training experience and learning of AIT <input type="checkbox"/> Board to consider adoption of guidance document to use NAB training manual as basis for training <input type="checkbox"/> Board to increase awareness among AITs and preceptors of expectations related to reporting process
AIT Preparation and Training	Preparation for AITs for the examinations required for licensure	<input type="checkbox"/> Board to collaborate with provider associations and stakeholders regarding review course based upon NAB standard for 80-hour course; consider course hours to count as credit toward AIT training hours
	Improve/Increase mental health and dementia/ Alzheimer’s training for AITs and Administrators	<input type="checkbox"/> Board to consider incorporation of additional training related to mental health and dementia/Alzheimer’s related needs of residents <input type="checkbox"/> Board to collaborate with provider organizations, DSS, and other stakeholders related to implementing additional mental health training for administrators