

APPROVED

**VIRGINIA BOARD of LONG-TERM CARE ADMINISTRATORS
TASK FORCE FOR REGULATION OF ASSISTED LIVING ADMINISTRATORS
JOINT MEETING**

Tuesday, October 31, 2006

**Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 2**

- CALL TO ORDER:** The joint meeting of the Virginia Board of Long-Term Care Administrators and the Task Force for Regulation of Assisted Living Administrators was called to order at 9:44 a.m.
- PRESIDING:** Ted LeNeave, NHA, Chair, Board of Long-Term Care Administrators
- MEMBERS PRESENT:** Board of Long Term Care Administrators:
Mary L. Blunt, N.H.A.
Kathleen R. Fletcher, RN
Andrea L. Fricke, A.L.F.A.
Martha H. Hunt, A.L.F.A.
Charlotte V. McNulty, P.C.
Bertha Simmons, N.H.A.
Mary Smith, N.H.A.
Task Force:
Carter Harrison (substituting for Karen Love)
Irvin Land (substituting for David McHarg)
Edward Owen
Randy Scott
Carolynne Stevens
- MEMBERS ABSENT:** Board of Long Term Care Administrators: Melanie Becker
Task Force: Jeffrey Hairston, Karen Love, David McHarg, John Plichta
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Lisa R. Hahn, Executive Director
Sandra Whitley Ryals, Director, Dept. of Health Professions
Emily Wingfield, Chief Deputy Director, Dept. of Health Professions
Elaine Yeatts, Senior Policy Analyst
Catherine Chappell, Administrative Staff Assistant
Annie Artis, Operations Manager
- COUNSEL PRESENT:** Allyson Tysinger, Assistant Attorney General
- PUBLIC COMMENT:** None
- APPROVAL OF MINUTES:** Mr. Owen moved to approve the Minutes of the Task Force Meeting held on December 12, 2005. The motion was seconded and passed.
- INTRODUCTIONS:** Mr. LeNeave asked that all Board members, task force members and

staff introduce themselves noting that the Board's new executive director and the new director and chief deputy director of the Department of Health Professions were attending.

**DISCUSSION AND
RESPONSE TO PUBLIC
COMMENTS:**

Mr. LeNeave stated that the purpose of the meeting was to discuss the comments received on the proposed assisted living administrator regulations and to make recommendations to the Board regarding changes that should be made to the proposed regulations. Ms. Reen advised that summaries of the comments received had been inserted in the applicable section of the proposed regulations in the green copy which was provided this morning. She suggested that working with that document would facilitate the needed discussion. Mr. LeNeave asked Ms. Yeatts to lead the discussion. The discussion and decisions were:

Part I – General Provisions

18VAC95-30-40. Required Fees The call for reduction of the proposed fees was discussed. Staff suggested that some modest reductions might be considered particularly for preceptors and for administrators in training. The process for raising and lowering fees was addressed. The consensus was to leave the fees as proposed based on the understanding that it is much easier and faster to lower fees if needed than to raise them.

Part II – Renewals and Reinstatements

18VAC95-30-60. Renewal Requirements The recommendation to use postmarks as opposed to the date of receipt to determine compliance was discussed. Ms. Ryals commented that the current lock-box process allows DHP to save a significant amount of money and that changing to postmarks would increase the costs of processing renewals which would have to be born by licensees. She also noted that over 80% of renewals are being done online so that meeting the deadline should not be a problem. Ms. Reen indicated that the March 31st deadline coincides with the expiration of the license. No change was proposed.

18VAC95-30-70. Continuing education requirements The request that the required hours be reduced from 20 to 16 was considered and no change was proposed.

Part III – Requirements for Licensure

Ms. Yeatts explained that the comments in favor of:

- two types of licenses
- registration instead of licensure
- not applying requirements to current administrators, and
- the Board approving the minimum education programs

were inconsistent with the legislative requirement for licensure. No

action was proposed.

18VAC95-30-100 Educational and training requirement for initial licensure Ms. Yeatts noted that many comments on these requirements were that they were unfair for current administrators and that they were excessive. She recommended that section "A" be moved to a separate new section to make it clear that the only requirements for a current administrator were current or recent practice and passage of a state law exam. She also recommended reversing the order of the provisions of this section to place the requirement for the least amount of education first. She stated that there was no provision in the statute to grandfather current administrators. Changing the practice requirement of two out of the three years immediately preceding application for current administrators was discussed and no action was proposed. The comment that the minimum educational requirements should be increased to a baccalaureate degree and the comments advocating a non-college option were also considered and the consensus was that the proposed standards were reasonable and achievable. The recommendation to create a new section, 18VAC95-30-95 Requirement for Licensure of Current Administrators prior to July 2008, and to reverse the order in this section was agreed to as moved by Ms. Blunt.

18VAC95-30-110. Examination requirements for initial licensure Opposition to requiring a national examination and a request that applicants be allowed four tries in a year to pass were considered. It was concluded that there needed to be some check of the basic knowledge and skills in regards to the domains of practice in order to have a minimum standard for licensure. It was noted that there was no limitation on taking the exam in the proposed regulation. No action was proposed for this section. Mr. Owen added that he has taken the NAB exam and that study materials and practice exams are available.

18VAC95-30-120. Qualifications for licensure by endorsement Eliminating the requirement for 2 of 3 years of practice as administrator of record and adding a requirement for passage of the DSS approved program were discussed. A motion by Mr. Harrison was adopted to add a new subsection "b" to (3) which states:

- b. Has practiced as administrator of record in the Assisted Living Facility as noted in § 63.2 of the Code and has passed the national examination required by the board.

A motion to revise subsection "a" to change the language of "two of the three years" to "two of the five years" failed.

Part IV – Administrator-in-Training Program

Ms. Yeatts provided a chart on the current proposals to facilitate discussion and indicated that the comments were in favor of reducing the number of hours required and a non-college option should be considered.

18VAC95-30-150. Required hours of training Mr. Land made a motion to amend this section to provide a noncollege based option for high school graduates, equivalent to 400 hours of training in a DSS approved program. Ms. Blunt raised a point of order about Mr. Land having a conflict of interest in regards to this motion. Ms. Tysinger advised that her concern was reasonable and that she might advance a motion that Mr. Land recuse himself and that his motion be withdrawn. Ms. Blunt made the motion which was seconded and passed so Mr. Land's motion was withdrawn. No further action was proposed.

On a properly seconded motion by Ms. Fricke, staff was authorized to reorder the provisions of this section from the least number of hours to the highest number of hours.

Ms. Blunt questioned whether all members of the task force were invited to participate and asked that the minutes reflect that Ms. Reen confirmed that all members were invited to attend.

ADJOURNMENT

With all business concluded, the joint meeting was adjourned at 12:15 p.m.

Ted LeNeave, N.H.A., Chair

Lisa R. Hahn, Executive Director

Date

Date