

**DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF HEALTH PROFESSIONS
REGULATORY RESEARCH COMMITTEE
SEPTEMBER 24, 2004**

TIME AND PLACE: The meeting was called to order at 10:00 a.m. on Friday, September 24, 2004, Department of Health Professions, 6603 W. Broad St., 5th Floor, Room 3, Richmond, VA.

PRESIDING OFFICER: Michael W. Ridenhour, Au.D., Chair

MEMBERS PRESENT: David R. Boehm, L.C.S.W.
Damien Howell, P.T.
Alan Mayer, Citizen Member
Janet Payne, Citizen Member
Mary M. Smith, L.N.H.A.

MEMBERS NOT PRESENT: David H. Hettler, O.D.
Natale A. Ward, L.P.C.

STAFF PRESENT: Robert A. Nebiker, Agency Director
Gail Jaspen, Deputy Agency Director
Emily Wingfield, Assistant Attorney General
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Dana Steger, VANHA
Carolynne Stevens, DSS
Judy McGreal, DSS
Beverley Soble, VHCA
Robin Ortiz, LPN

QUORUM: With six members present, a quorum was established.

BOARD MEMBER INTRODUCTION: The board members and staff introduced themselves.

PUBLIC COMMENT: Robin Ortiz, LPN, reported hearing of serious oversight deficiencies at a facility including that a CNA had dispensed morphine to its maximum dosage to a patient based upon telephone direction from the administrator who also served as the marketing director. She reported that the patient passed away the following day. She further reported that staff at the facility informed her of missing prescription drugs from the facility that

were not recovered and the patients had to bear the cost of replacement. Ms. Carolynne Stevens from the Licensing Division of the Department of Social Services voiced the need for Ms. Ortiz to report these problems to Social Services so that they could be addressed directly.

APPROVAL OF AGENDA: On properly seconded motion by Mr. Mayer, the Committee voted unanimously to approve the agenda as presented.

APPROVAL OF MINUTES: On properly seconded motion by Mr. Mayer, the Committee voted unanimously to approve the minutes of the July 15, 2004 and August 18, 2004 meetings.

REVIEW OF THE STUDY ON THE NEED TO REGULATE ASSISTED LIVING ADMINISTRATORS: Dr. Carter noted the various levels of education and examination requirements across the states, the expansion of assisted living facilities over a short period of time and that they currently almost triple the number of nursing homes in Virginia. She also presented an overview of the inspection survey results which mirror, throughout the state, many of the problems outlined by the media coverage earlier this year.

Carolynne Stevens and Judith McGreal, from the Department of Social Services' Licensing Division, presented an overview of the history and functions of the Department of Social Services licensing of adult facilities including the disciplinary component. They noted that there was no uniform service model in assisted living facilities and there is a lack of base organizational and human skill management. Ms. Stevens stated that the Department was in favor of licensure for assisted living facility administrators and that the licensure should be based on the types of services offered. She noted the areas in need of improvement included professionalism, management accounting, Uniform Assessment Instrument training, brain injury issues and oversight of owners versus administrators.

RECOMMENDATIONS: On properly seconded motion by Ms. Smith and with friendly amendment from Mr. Mayer, the Committee voted to direct staff to draft legislation requiring licensure of assisted living administrators which addresses all five components (i.e., education, examination, scope of practice, discipline, and continuing education) and to develop an assessment of the financial impact of licensure. Mr. Mayer added that the report should clearly indicate that this would not solve all the issues attendant to assisted living, but may help.

NEW BUSINESS: No new business was presented.

ADJOURNMENT:

On properly seconded motion by Mr. Mayer, the meeting adjourned at noon.

Michael W. Ridenhour, Au.D., Chair

Elizabeth A. Carter, Ph.D.
Executive Director for the Board