

## **Virginia Board of Long Term Care Administrators**

### **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An applicant whose license, registration, or certificate has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure or certification in Virginia unless the credential has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.

The Board recognizes that certain criminal convictions may affect an individual's employment options after licensure or registration by the Board, including employment in certain health care settings such as nursing homes and assisted living facilities. In those settings, "barrier crime" convictions may prohibit employment. (See e.g. Va. Code §§ 19.2-392, 32.1-126.01 and 63.2-1720)

Until an individual applies for licensure, certification, or registration, the Board is unable to review, or consider for approval, an individual with a criminal conviction, history of action taken by a regulatory board in another jurisdiction, or history of possible impairment. The Board has no jurisdiction until an application has been filed.

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.)