

**UNAPPROVED 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, December 19, 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  
Karen Hopkins Stanfield, NHA  
Marj Pantone, ALFA  
Basil Acey, Citizen Member  
Mitchell P. Davis, NHA  
Mary B. Brydon, Citizen Member

**BOARD MEMBERS ABSENT**

Martha H. Hunt, ALFA, Vice-Chair  
Doug Nevitt, ALFA  
Shervonne Banks, Citizen Member

**STAFF PRESENT FOR ALL OR PART OF MEETING**

Corie Tillman Wolf, Executive Director  
Lisa Hahn, Agency Deputy Director  
Elaine Yeatts, Senior Policy Analyst  
Heather Wright, Program Manager  
Erin Barrett, Assistant Attorney General, Board Counsel  
Elizabeth Carter, Executive Director, Healthcare Workforce Data Center

**GUESTS PRESENT**

April Payne, VHCA-VCAL  
Judy Hackler, VALA

**CALLED TO ORDER**

Derrick Kendall, NHA, Chair, called the Board meeting to order at 10:04 a.m.

Board members and staff introduced themselves. With 6 Board members present, a quorum was established.

Mr. Kendall provided reminders to Board members and the audience before the first order of business. Ms. Tillman Wolf then read the emergency egress instructions.

## **ACCEPTANCE OF MINUTES**

Upon a **MOTION** by Karen Stanfield and properly seconded by Mary Brydon, the Board voted to accept the following meeting minutes as written:

- Board Meeting – October 5, 2017
- Formal Hearings – October 5, 2017

The vote was unanimous.

## **ORDERING OF AGENDA**

Upon a **MOTION** by Karen Stanfield, and properly seconded by Mitchell Davis, the Board voted to accept the Agenda with the following change: Lisa Hahn will give the Agency Report. The vote was unanimous.

## **PUBLIC COMMENT PERIOD**

There was no public comment provided.

## **AGENCY DIRECTOR'S REPORT – Lisa Hahn, Chief Operating Officer**

Ms. Hahn began her report by announcing that she has accepted a position as the Agency's Chief Operating Officer, which is a classified position, and which was created with the intent and advantage of providing continuity of operations to the agency. Mr. Kendall congratulated Ms. Hahn on her new position and lauded the agency's selection.

Ms. Hahn reported that the Chief Deputy Director position is currently vacant pending appointment by the new Governor. Announcements related to Governor-elect Northam's appointments for the Director of DHP and Secretary of Health and Human Resources are anticipated in the coming days.

Ms. Hahn provided an update regarding the status of the agency's build-out of new space on the first floor of the Perimeter Center building. The space should be completed in the spring.

Ms. Hahn unveiled the new agency logo for DHP and explained the development process. The new logo will launch officially on January 3, 2018.

Ms. Hahn thanked Board members and staff for their hard work and efforts throughout the year.

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

Corie Tillman Wolf, Executive Director, began her report with congratulations to Derrick Kendall, Marj Pantone, and Shervonne Banks on their reappointments to second terms on the Board.

The Expenditure and Revenue report is as follows:

- Cash Balance as of June 30, 2017 (\$ 30,609)
- YTD FY 18 Revenue \$ 58,055

- Less direct and In-Direct Expenses                      \$ 228,517
- Cash Balance as of November 30, 2017              (\$ 201,071)

Ms. Tillman Wolf reported that the renewal cycle will begin in the third quarter of FY 18 (January-March 2018), so the Board will begin seeing a more significant revenue stream during that quarter.

Ms. Tillman Wolf provided the following updates from the National Association of Long-Term Care Administrator Boards (NAB) Mid-Year Meeting held November 8-10, 2017 in Savannah, GA:

- New Exam Structure - NAB provided information related to the new examination structure and limited data on passage rates as compared to the previous structure. For Virginia's rates, there is still insufficient information at this point to provide a meaningful comparison of exam passage rates, however there should be more information available for the next Board meeting.
- Health Services Executive (HSE) - One Virginia-licensed administrator has been announced as an HSE so far; as of the November NAB meeting, there were a total of 5 across the country. There was continued discussion at the meeting regarding how states could implement or adopt the HSE at the state level. The Board currently has the HSE included in the language of the Board's proposed NHA regulations from the periodic review process. "Grandparenting" provisions for current administrators exist through January 31, 2018.
- AIT/Preceptor Resources – There was additional discussion regarding how to implement these resources at the state level. The Board has currently built in the preceptor training in the proposed regulations arising out of the periodic review process. As of early November, it appeared that approximately 92 Virginia licensees had accessed or completed preceptor modules. Board staff is encouraging the use of the AIT manual and continuing to disseminate the information.
- CE Registry – Ms. Tillman Wolf provided a NAB flyer to Board members about the CE Registry registration process. As of April 1<sup>st</sup>, the NAB approved CE sponsors will be required to report attendance records and certificates through the registry. States will have access to CE records from licensees who report to the registry and who choose to share the information with Virginia.

Ms. Tillman Wolf shared staff and agency updates, including staffing changes, dissemination of information to licensees, and attendance by Board staff of DSS-sponsored training on the new regulations for assisted living facilities.

Ms. Tillman Wolf then provided the Licensure Report:

- Ms. Tillman Wolf reported the numbers of current licensees are as follows:

ALFA's	624
AIT's	118
Acting AIT	4
<b>Total ALFA</b>	<b>746</b>
Preceptors	211

NHA's	918
AIT's	87
<b>Total NHA</b>	<b>1,006</b>
Preceptors	234

**NHA & ALFA combined 1,752**

- Customer Satisfaction Survey Results - Ms. Tillman Wolf provided the following information on Customer Satisfaction surveys:
  - 100% satisfaction rating for Q1 2018; the agency average for Q1 2018 was 89.3%
  - Ms. Tillman Wolf thanked Heather Wright for her work on behalf of the Board, and Laura Mueller, who is also cross-trained.

Ms. Tillman Wolf then provided the Discipline Report. Ms. Tillman Wolf reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- 88 open cases
  - 6 at APD
  - 2 Formal Hearings
  - 2 Informal Conferences
  - 28 in Investigation
  - 48 in Probable Cause
  - 7 Compliance cases
- Virginia Performs – Key Performance Measures Q1 2018:
  - For patient care cases:
    - The Clearance Rate was 9%. We received 11 cases and closed 1 case.
    - The Pending Caseload over 250 days was at 20%.
    - The Cases closed within 250 days was 100%.
  - For all case types (patient and non-patient care)
    - 80% of cases were closed within 365 calendar days (250 business days); the agency average was 82.2%.

Ms. Tillman Wolf provided reminders to Board members about updating contact information and the upcoming meeting calendar.

Ms. Tillman Wolf thanked the Board for all their hard work and concluded her report.

## **LEGISLATIVE AND REGULATORY REPORT – Elaine Yeatts**

### **Review of Legislation**

Ms. Yeatts provided an overview of legislation that has been pre-filed for the 2018 General Assembly Session, including bills related to a Red Tape Reduction Commission for the review of regulations (HB23/SB20) and legislation related to facilitating the ability of patients to obtain limited supplies of prescription medications when dispensed drugs are otherwise lost due to a natural or man-made disaster (SB23, SB25). Ms. Yeatts further provided an overview of seven bills originating from DHP, including a bill to create a mid-level licensure status for social workers.

**Adoption of Final Regulations – Periodic Review of Regulations Governing the Practice of Nursing Home Administrators (18VAC95-20-10 et seq.) and the Practice of Assisted Living Facility Administrators (18VAC95-30-10 et seq.) (Attachment A)**

Ms. Yeatts reviewed the public comments received from the Virginia Assisted Living Association (VALA) related to the Board's pending regulations for assisted living facility administrators. Ms. Yeatts explained the process if the Board decides to make changes to the current language in the proposed regulations.

In response to VALA's first two comments, Board staff will communicate with licensees about the regulation changes regarding AIT hours and when they become effective, and will update the Domains of Practice form.

Board members discussed VALA's third comment related to language that would prohibit AITs from receiving training in a facility that is defined as provisional by DSS in the proposed language of 18VAC95-30-170. Board members discussed a revision to the language such that a new AIT program could not be started in a provisional facility, however if a facility becomes provisional during the course of an AIT program, the AIT would not be required to leave the facility or find an alternate training site.

Upon a **MOTION** by Marj Pantone, properly seconded by Mitch Davis, the Board voted to delete the word "Training" in the proposed language of 18VAC95-30-170(B), and to insert "A new ALF AIT program or internship" such that the sentence reads, "A new ALF AIT program or internship shall not be conducted in a facility with a provisional license as determined by the Department of Social Services." The vote was unanimous.

Ms. Yeatts explained VALA's remaining comments related to preceptors and the Health Services Executive credential. No motions were made with regard to the comments.

Ms. Yeatts explained one additional issue that was raised by the Registrar related to the wording of the language related to unprofessional conduct provisions in 18VAC95-20-470(7) and 18VAC95-30-210(7). Board members discussed possible wording choices and comma placement. Board counsel stated that language to clarify the wording to "an inappropriate personal involvement with a resident, or sexual conduct with a resident" would address the registrar's concerns.

Upon a **MOTION** by Karen Stanfield, properly seconded by Marj Pantone, the Board voted to approve final regulations with the amendments proposed to 18VAC95-30-170(B) and to the unprofessional conduct provisions as discussed. The vote was unanimous.

Mr. Kendall called for a break at 11:18 a.m. The Board reconvened at 11:33 a.m.

**OLD BUSINESS**

**Survey Questions for the Workforce Data Center Report – Dr. Elizabeth Carter**

Dr. Carter reported that, per the Board’s request at the last meeting, a question related to educational debt has been added to the workforce survey – “What is your estimated current educational debt?”

Dr. Carter reminded Board members that, at the last meeting, the Board had questions regarding how primary and secondary work locations are defined for purposes of the survey. Board members discussed the current categories and classifications of work locations in the survey and whether they adequately reflect practice locations. Board members agreed that the addition of “Acute Care/Rehabilitative Facility” rather than “Rehabilitation Facility” may be more encompassing of certain practice locations for NHAs that are not otherwise reflected. Dr. Carter will ask for that change to be made to the drop-down menu in the survey.

## **NEW BUSINESS**

### **Administrators-In-Training and Preceptors – Corie Tillman Wolf**

Ms. Tillman Wolf provided an overview of certain issues identified by Board staff regarding AITs and preceptors and the proposed steps to be taken by staff to address some of these issues. Ms. Tillman Wolf discussed steps for ensuring the quality of reports received from AITs; for increased communication to AITs and preceptors regarding training requirements, pending regulatory changes, and NAB resources available; for development and dissemination of AIT and Preceptor FAQ’s; and for work with stakeholders and associations to promote training and use of the voluntary preceptor directory as a resource. Ms. Tillman Wolf also discussed the possibility of an ad hoc committee to discuss AIT reporting requirements and the AIT report forms, and other AIT and preceptor-related issues, as necessary. Ms. Tillman Wolf will gauge interest for a committee and otherwise e-mail out the current reporting forms for Board member input and comments, and have that information ready for the next meeting.

### **Board Member Training – Conflict of Interest – Erin Barrett**

Board counsel, Erin Barrett, provided an overview of Conflict of Interest and considerations for Board members at Board meetings and disciplinary hearings.

## **NEXT MEETING**

The next Board meeting is scheduled for March 15, 2018.

## **ADJOURNMENT**

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

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Derrick Kendall, NHA, Chair

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Corie Tillman Wolf, Executive Director

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Date

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Date

**Project 4984 - Final**

**BOARD OF LONG-TERM CARE ADMINISTRATORS**

**Periodic review**

Part I

General Provisions

**18VAC95-20-10. Definitions.**

A. The following words and terms when used in this chapter shall have the definitions ascribed to them in § 54.1-3100 of the Code of Virginia:

"Board"

"Nursing home"

"Nursing home administrator"

B. The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"Accredited institution" means any degree-granting college or university accredited by an accrediting body approved by the ~~United States~~ U.S. Department of Education.

"Active practice" means a minimum of 1,000 hours of practice as a licensed nursing home administrator within the preceding 24 months.

"AIT" means a person enrolled in the administrator-in-training program in nursing home administration in a licensed nursing home.

"Administrator-of-record" means the licensed nursing home administrator designated in charge of the general administration of the facility and identified as such to the facility's licensing agency.

"Approved sponsor" means an individual, business, or organization approved by ~~the National Association of Long Term Care Administrator Boards~~ NAB or by an accredited institution to offer continuing education programs in accordance with this chapter.

"Continuing education" means the educational activities ~~which~~ that serve to maintain, develop, or increase the knowledge, skills, performance, and competence recognized as relevant to the nursing home administrator's professional responsibilities.

"Full time" means employment of at least 35 hours per week.

"Hour" means 50 minutes of participation in a program for obtaining continuing education.

"Internship" means a practicum or course of study as part of a degree or post-degree program designed especially for the preparation of candidates for licensure as nursing home administrators that involves supervision by an accredited college or university of the practical application of previously studied theory.

"NAB" means the National Association of Long Term Care Administrator Boards.

"National examination" means a test used by the board to determine the competence of candidates for licensure as administered by ~~the National Association of Long Term Care Administrator Boards~~ NAB or any other examination approved by the board.

"Preceptor" means a nursing home administrator currently licensed and registered or recognized by a nursing home administrator licensing board to conduct an administrator-in-training (AIT) program.

**18VAC95-20-80. Required fees.**

~~A.~~ The applicant or licensee shall submit all fees below that apply:

- |                            |       |
|----------------------------|-------|
| 1. AIT program application | \$215 |
| 2. Preceptor application   | \$65  |
| 3. Licensure application   | \$315 |



4. Verification of licensure requests from other states	\$35
5. Nursing home administrator license renewal	\$315
6. Preceptor renewal	\$65
7. Penalty for nursing home administrator late renewal	\$110
8. Penalty for preceptor late renewal	\$25
9. Nursing home administrator reinstatement	\$435
10. Preceptor reinstatement	\$105
11. Duplicate license	\$25
12. Duplicate wall certificates	\$40
13. Reinstatement after disciplinary action	\$1,000

~~B. For the first renewal after the effective date of this regulation, the following one-time shortfall assessment shall apply:~~

<del>1. Nursing home license renewal</del>	<del>\$100</del>
<del>2. Preceptor renewal</del>	<del>\$20</del>

**18VAC95-20-175. Continuing education requirements.**

A. In order to renew a nursing home administrator license, an applicant shall attest on his renewal application to completion of 20 hours of approved continuing education for each renewal year.

1. Up to 10 of the 20 hours may be obtained through Internet or self-study courses and up to 10 continuing education hours in excess of the number required may be transferred or credited to the next renewal year.

2. Up to two hours of the 20 hours required for annual renewal may be satisfied through delivery of services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic.

3. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following initial licensure.

B. In order for continuing education to be approved by the board, it shall (i) be related to health care administration and shall be approved or offered by ~~the National Association of Long Term Care Administrator Boards (NAB)~~ NAB, an accredited institution, or a government agency; or (ii) as provided in subdivision A 2 of this section.

C. Documentation of continuing education.

1. The licensee shall retain in his personal files for a period of three renewal years complete documentation of continuing education including evidence of attendance or participation as provided by the approved sponsor for each course taken.

2. Evidence of attendance shall be an original document provided by the approved sponsor and shall include:

- a. Date or dates the course was taken;
- b. Hours of attendance or participation;
- c. Participant's name; and
- d. Signature of an authorized representative of the approved sponsor.

3. If contacted for an audit, the licensee shall forward to the board by the date requested a signed affidavit of completion on forms provided by the board and evidence of attendance or participation as provided by the approved sponsor.

D. The board may grant an extension of up to one year or an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the administrator, such as a certified illness, a temporary disability, mandatory military service, or officially declared

disasters. The request for an extension shall be received in writing and granted by the board prior to the renewal date.

**18VAC95-20-180. Late renewal.**

A. A person who fails to renew his license or preceptor registration by the expiration date shall, within one year of the initial expiration date:

1. Return the renewal notice or request renewal in writing to the board; and
2. Submit the applicable renewal fee and ~~penalty~~ late fee.

B. The documents required in subsection A of this section shall be received in the board office within one year of the initial expiration date. Postmarks shall not be considered.

**18VAC95-20-200. Reinstatement for nursing home administrator license or preceptor registration.**

A. The board may reinstate a nursing home administrator license or preceptor registration that was not renewed within one year of the initial expiration date.

B. An applicant for nursing home administrator license reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and provide one of the following:

1. Evidence of the equivalent of 20 hours of continuing education for each year since the last renewal, not to exceed a total of 60 hours.
2. Evidence of active practice in another state or ~~U.S.~~ United States jurisdiction or in the ~~U.S.~~ United States armed services during the period licensure in Virginia was lapsed.
3. Evidence of requalifying for licensure by meeting the requirements prescribed in 18VAC95-20-220 or 18VAC95-20-225.

C. An applicant for preceptor reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and meet the current requirements for a preceptor in effect at the time of application for reinstatement.

D. Any person whose license or registration has been suspended, revoked, or denied renewal by the board under the provisions of 18VAC95-20-470 shall, in order to be eligible for reinstatement, (i) submit a reinstatement application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any other credentials as prescribed by the board. After a hearing, the board may, at its discretion, grant the reinstatement.

### Part III

#### Requirements for Licensure

##### **18VAC95-20-220. Qualifications for initial licensure.**

One of the following sets of qualifications is required for licensure as a nursing home administrator:

1. Degree and practical experience. The applicant shall (i) hold a baccalaureate or higher degree in a health care-related field that meets the requirements of 18VAC95-20-221 from an accredited institution; (ii) have completed not less than a 320-hour internship that addresses the Domains of Practice as specified in 18VAC95-20-390 in a licensed nursing home as part of the degree program under the supervision of a preceptor; and (iii) have received a passing grade on the national examination;
2. Certificate program. The applicant shall (i) hold a baccalaureate or higher degree from an accredited college or university; (ii) successfully complete a program with a minimum of 21 semester hours study in a health care-related field that meets the requirements of 18VAC95-20-221 from an accredited institution; (iii) successfully complete not less than a 400-hour internship that addresses the Domains of Practice as specified in 18VAC95-

20-390 in a licensed nursing home as part of the certificate program under the supervision of a preceptor; and (iv) have received a passing grade on the national examination; or

3. Administrator-in-training program. The applicant shall have (i) successfully completed an AIT program ~~which~~ that meets the requirements of Part IV (18VAC95-20-300 et seq.) of this chapter ~~and~~ (ii) received a passing grade on the national examination, and (iii) completed the Domains of Practice form required by the board; or

4. Health Services Executive (HSE) credential. The applicant shall provide evidence that he has met the minimum education, experience, and examination standards established by NAB for qualification as a Health Services Executive.

**18VAC95-20-221. Required content for coursework.**

To meet the educational requirements for a degree in a health care-related field, an applicant must provide ~~a~~ an official transcript from an accredited college or university that documents successful completion of a minimum of 21 semester hours of coursework concentrated on the administration and management of health care services to include a minimum of three semester hours in each of the content areas in subdivisions 1 through 4 of this section, six semester hours in the content area set out in subdivision 5 of this section, and three semester hours for an internship.

1. ~~Resident care and quality of life~~ Customer care, supports, services: Course content shall address program and service planning, supervision, and evaluation to meet the needs of patients, such as (i) nursing, medical and pharmaceutical care; (ii) rehabilitative, social, psychosocial, and recreational services; (iii) nutritional services; (iv) safety and rights protections; (v) quality assurance; and (vi) infection control.

2. Human resources: Course content shall focus on personnel leadership in a health care management role and must address organizational behavior and personnel management

skills such as (i) staff organization, supervision, communication, and evaluation; (ii) staff recruitment, retention, and training; (iii) personnel policy development and implementation; and (iv) employee health and safety.

3. Finance: Course content shall address financial management of health care programs and facilities such as (i) an overview of financial practices and problems in the delivery of health care services; (ii) financial planning, accounting, analysis, and auditing; (iii) budgeting; (iv) health care cost issues; and (v) reimbursement systems and structures.

4. ~~Physical environment and atmosphere~~ Environment: Course content shall address facility and equipment management such as (i) maintenance; (ii) housekeeping; (iii) safety; (iv) inspections and compliance with laws and regulations; and (v) emergency preparedness.

5. Leadership and management: Course content shall address the leadership roles in health delivery systems such as (i) government oversight and interaction; (ii) organizational policies and procedures; (iii) principles of ethics and law; (iv) community coordination and cooperation; (v) risk management; and (vi) governance and decision making.

**18VAC95-20-225. Qualifications for licensure by endorsement.**

The board may issue a license to any person who:

1. Holds a current, unrestricted license from any state or the District of Columbia; and
2. Meets one of the following conditions:
  - a. Has ~~practiced nursing home administration for one year~~ been engaged in active practice as a licensed nursing home administrator; or

b. Has education and experience equivalent to qualifications required by this chapter and has provided written evidence of those qualifications at the time of application for licensure.

**18VAC95-20-230. Application package.**

A. An application for licensure shall be submitted after the applicant completes the qualifications for licensure.

B. An individual seeking licensure as a nursing home administrator or registration as a preceptor shall submit:

1. A completed application as provided by the board;
2. Additional documentation as may be required by the board to determine eligibility of the applicant;
3. The applicable fee;
4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and regulations relating to the administration of nursing homes; and
5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

C. With the exception of school transcripts, examination scores, the NPDB report, employer verifications, and verifications from other state boards, all parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year, after which time the application shall be destroyed and a new application and fee shall be required.

Part IV

Administrator-In-Training Program

**18VAC95-20-300. Administrator-in-training qualifications.**

A. To be approved as an administrator-in-training, a person shall:

1. Have received a passing grade on a total of 60 semester hours of education from an accredited institution;
2. Obtain a registered preceptor to provide training;
3. Submit the fee prescribed in 18VAC95-20-80;
4. Submit the application and Domains of Practice form provided by the board; and
5. Submit additional documentation as may be necessary to determine eligibility of the applicant and the number of hours required for the AIT program.

B. With the exception of school transcripts, all required parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year after which time the application shall be destroyed and a new application and fee shall be required.

**18VAC95-20-340. Supervision of trainees.**

A. Training shall be under the supervision of a preceptor who is registered or recognized by a licensing board.

B. A preceptor may supervise no more than two AIT's at any one time.

C. A preceptor shall:

1. Provide direct instruction, planning, and evaluation in the training facility;



2. Shall be routinely present with the trainee in the training facility as appropriate to the experience and training of the AIT and the needs of the residents in the facility; and
3. Shall continually evaluate the development and experience of the AIT to determine specific areas in the Domains of Practice that need to be addressed.

**18VAC95-20-380. Qualifications of preceptors.**

A. To be registered by the board as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia nursing home administrator license and be employed full time as an administrator of record in a training facility for a minimum of two of the past three years immediately prior to registration; ~~and~~
2. Provide evidence that he has completed the online preceptor training course offered by NAB; and
3. Meet the application requirements in 18VAC95-20-230.

B. To renew registration as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia nursing home license and be employed by or have an agreement with a training facility for a preceptorship; and
2. Meet the renewal requirements of 18VAC95-20-170.

**18VAC95-20-390. Training plan.**

Prior to the beginning of the AIT program, the preceptor shall develop and submit for board approval a training plan that shall include and be designed around the specific training needs of the administrator-in-training. The training plan shall address the Domains of Practice approved by ~~the National Association of Long Term Care Administrator Boards~~ NAB that is in effect at the time the training program is submitted for approval. An AIT program shall include training in each of the learning areas in the Domains of Practice.

**18VAC95-20-430. Termination of program.**

A. If the AIT program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within ~~five~~ working 10 business days.

B. The preceptor shall also submit all required monthly progress reports completed prior to termination.

Part V

Refusal, Suspension, Revocation, and Disciplinary Action

**18VAC95-20-470. Unprofessional conduct.**

The board may refuse to admit a candidate to an examination, refuse to issue or renew a license or registration or approval to any applicant, suspend a license for a stated period of time or indefinitely, reprimand a licensee or registrant, place his license or registration on probation with such terms and conditions and for such time as it may designate, impose a monetary penalty, or revoke a license or registration for any of the following causes:

1. Conducting the practice of nursing home administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;
2. Failure to comply with federal, state, or local laws and regulations governing the operation of a nursing home;
3. Conviction of a felony or any misdemeanor involving abuse, neglect, or moral turpitude;
4. Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.), and ~~this chapter~~ 31 (§ 54.1-3100 et seq.) of the Code of Virginia or regulations of the board; or

5. Inability to practice with reasonable skill or safety by reason of illness or substance abuse or as a result of any mental or physical condition;
6. Abuse, negligent practice, or misappropriation of a resident's property;
7. Entering into a relationship with a resident that constitutes a professional boundary violation in which the administrator uses his professional position to take advantage of the vulnerability of a resident or his family, to include actions that result in personal gain at the expense of the resident, an inappropriate personal involvement [ with a resident, ] or sexual conduct with a resident;
8. The denial, revocation, suspension, or restriction of a license to practice in another state, the District of Columbia, or a United States possession or territory;
9. Assuming duties and responsibilities within the practice of nursing home administration without adequate training or when competency has not been maintained;
10. Obtaining supplies, equipment, or drugs for personal or other unauthorized use;
11. Falsifying or otherwise altering resident or employer records, including falsely representing facts on a job application or other employment-related documents;
12. Fraud or deceit in procuring or attempting to procure a license or registration or seeking reinstatement of a license or registration; or
13. Employing or assigning unqualified persons to perform functions that require a license, certificate, or registration.

**18VAC95-20-471. ~~Criteria for delegation of informal fact-finding proceedings to an agency subordinate.~~ (Repealed.)**

~~A. Decision to delegate. In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.~~

~~B. Criteria for delegation. Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in subdivisions 1, 3 and 5 of 18VAC95-20-470, except as may otherwise be determined by a special conference committee of the board.~~

~~C. Criteria for an agency subordinate.~~

~~1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.~~

~~2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.~~

~~3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.~~

Part I

General Provisions

**18VAC95-30-10. Definitions.**

A. The following words and terms when used in this chapter shall have the definitions ascribed to them in § 54.1-3100 of the Code of Virginia:

"Assisted living facility"

"Assisted living facility administrator"

"Board"

B. The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"Accredited institution" means any degree-granting college or university accredited by an accrediting body approved by the U.S. Department of Education.

"Active practice" means a minimum of 1,000 hours of practice as an assisted living facility administrator within the preceding 24 months.

"Administrator-of-record" means the licensed assisted living facility administrator designated in charge of the general administration and management of an assisted living facility, including compliance with applicable regulations, and identified as such to the facility's licensing agency.

"ALF AIT" means ~~an~~ a person enrolled in an administrator-in-training program in a licensed assisted living facility administrator-in-training.

"Approved sponsor" means an individual, business, or organization approved by NAB or by an accredited institution to offer continuing education programs in accordance with this chapter.

"Continuing education" means the educational activities that serve to maintain, develop, or increase the knowledge, skills, performance, and competence recognized as relevant to the assisted living facility administrator's professional responsibilities.

"Domains of practice" means the content areas of tasks, knowledge and skills necessary for administration of a residential ~~care/assisted~~ care or assisted living facility as approved by ~~the National Association of Long Term Care Administrator Boards~~ NAB.

"Full time" means employment of at least 35 hours per week.

"Hour" means 50 minutes of participation in a program for obtaining continuing education.

"Internship" means a practicum or course of study as part of a degree or post-degree program designed especially for the preparation of candidates for licensure as assisted living facility administrators that involves supervision by an accredited college or university of the practical application of previously studied theory.

"NAB" means the National Association of Long Term Care Administrator Boards.

"National examination" means a test used by the board to determine the competence of candidates for licensure as administered by NAB or any other examination approved by the board.

"Preceptor" means an assisted living facility administrator or nursing home administrator currently licensed and registered to conduct an ALF AIT program.

**18VAC95-30-40. Required fees.**

A. The applicant or licensee shall submit all fees ~~below~~ in this subsection that apply:

1. ALF AIT program application	\$215
2. Preceptor application	\$65
3. Licensure application	\$315
4. Verification of licensure requests from other states	\$35
5. Assisted living facility administrator license renewal	\$315
6. Preceptor renewal	\$65
7. Penalty for assisted living facility administrator late renewal	\$110
8. Penalty for preceptor late renewal	\$25
9. Assisted living facility administrator reinstatement	\$435
10. Preceptor reinstatement	\$105
11. Duplicate license	\$25
12. Duplicate wall certificates	\$40
13. Returned check	\$35
14. Reinstatement after disciplinary action	\$1,000

B. Fees shall not be refunded once submitted.

C. Examination fees are to be paid directly to the service contracted by the board to administer the examination.

~~D. For the first renewal after the effective date of this regulation, the following one-time shortfall assessment shall apply:~~

<del>1. Assisted living facility administrator license renewal</del>	<del>\$100</del>
<del>2. Preceptor renewal</del>	<del>\$20</del>

**18VAC95-30-70. Continuing education requirements.**

A. In order to renew an assisted living administrator license, an applicant shall attest on his renewal application to completion of 20 hours of approved continuing education for each renewal year.

1. Up to 10 of the 20 hours may be obtained through Internet or self-study courses and up to 10 continuing education hours in excess of the number required may be transferred or credited to the next renewal year.
2. Up to two hours of the 20 hours required for annual renewal may be satisfied through delivery of services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic.
3. A licensee is exempt from completing continuing education requirements for the first renewal following initial licensure in Virginia.

B. In order for continuing education to be approved by the board, it shall (i) be related to the domains of practice for residential care/assisted living and approved or offered by NAB, an

accredited educational institution, or a governmental agency, or (ii) be as provided in subdivision A 2 of this section.

C. Documentation of continuing education.

1. The licensee shall retain in his personal files for a period of three renewal years complete documentation of continuing education including evidence of attendance or participation as provided by the approved sponsor for each course taken.

2. Evidence of attendance shall be an original document provided by the approved sponsor and shall include:

- a. Date or dates the course was taken;
- b. Hours of attendance or participation;
- c. Participant's name; and
- d. Signature of an authorized representative of the approved sponsor.

3. If contacted for an audit, the licensee shall forward to the board by the date requested a signed affidavit of completion on forms provided by the board and evidence of attendance or participation as provided by the approved sponsor.

D. The board may grant an extension of up to one year or an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the administrator, such as a certified illness, a temporary disability, mandatory military service, or officially declared disasters. The request for an extension shall be submitted in writing and granted by the board prior to the renewal date.



**18VAC95-30-90. Reinstatement for an assisted living facility administrator license or preceptor registration.**

A. The board may reinstate an assisted living facility administrator license or preceptor registration that was not renewed within one year of the initial expiration date.

B. An applicant for assisted living facility administrator license reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and provide one of the following:

1. Evidence of the equivalent of 20 hours of continuing education for each year since the last renewal, not to exceed a total of 60 hours.
2. Evidence of active practice in another state or ~~U.S.~~ United States jurisdiction or in the ~~U.S.~~ United States armed services during the period licensure in Virginia was lapsed.
3. Evidence of requalifying for licensure by meeting the requirements prescribed in 18VAC95-30-100 and 18VAC95-30-110.

C. An applicant for preceptor reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and meet the current requirements for a preceptor in effect at the time of application for reinstatement.

D. Any person whose license or registration has been suspended, revoked, or denied renewal by the board under the provisions of 18VAC95-30-210 shall, in order to be eligible for reinstatement, (i) submit a reinstatement application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any other credentials as prescribed by the board. After a hearing, the board may, at its discretion, grant the reinstatement.

**18VAC95-30-100. Educational and training requirements for initial licensure.**

A. To be qualified for initial licensure as an assisted living facility administrator, an applicant shall hold a high school diploma or general education diploma (GED) and hold one of the following qualifications:

1. Administrator-in-training program.

- a. Complete at least 30 semester hours in an accredited college or university in any subject and 640 hours in an ALF AIT program as specified in 18VAC95-30-150;
- b. Complete an educational program as a licensed practical nurse and hold a current, unrestricted license or multistate licensure privilege and 640 hours in an ALF AIT program;
- c. Complete an educational program as a registered nurse and hold a current, unrestricted license or multistate licensure privilege and 480 hours in an ALF AIT program;
- d. Complete at least 30 semester hours in an accredited college or university with courses in the content areas of (i) client/resident care; (ii) human resources management; (iii) financial management; (iv) physical environment; and (v) leadership and governance; and ~~320~~ 480 hours in an ALF AIT program;
- e. Hold a master's or a baccalaureate degree in health care-related field or a comparable field that meets the requirements of subsection B of this section with no internship or practicum and 320 hours in an ALF AIT program; or
- f. Hold a master's or baccalaureate degree in an unrelated field and 480 hours in an ALF AIT program; or

2. Certificate program.

Hold a baccalaureate or higher degree in a field unrelated to health care from an accredited college or university and successfully complete a certificate program with a minimum of 21 semester hours study in a health care-related field that meets course content requirements of subsection B of this section from an accredited college or university and successfully complete not less than a 320-hour internship or practicum that addresses the domains of practice as specified in 18VAC95-30-160 in a licensed assisted living facility as part of the certificate program under the supervision of a preceptor; or

3. Degree and practical experience.

Hold a baccalaureate or higher degree in a health care-related field that meets the course content requirements of subsection B of this section from an accredited college or university and have completed not less than a 320-hour internship or practicum that addresses the Domains of Practice as specified in 18VAC95-30-160 in a licensed assisted living facility as part of the degree program under the supervision of a preceptor.

B. To meet the educational requirements for a degree in a health care-related field, an applicant must provide a an official transcript from an accredited college or university that documents successful completion of a minimum of 21 semester hours of coursework concentrated on the administration and management of health care services to include a minimum of six semester hours in the content area set out in subdivision 1 of this subsection, three semester hours in each of the content areas in subdivisions 2 through 5 of this subsection, and three semester hours for an internship or practicum.

1. ~~Resident/client services management~~ Customer care, supports, and services;

2. ~~Human resource management~~ resources;

3. ~~Financial management~~ Finance;
4. ~~Physical environment management~~ Environment;
5. Leadership and ~~governance~~ management.

**18VAC95-30-120. Qualifications for licensure by endorsement or credentials.**

A. If applying from any state or the District of Columbia in which a license, certificate, or registration is required to be the administrator of an assisted living facility, an applicant for licensure by endorsement shall hold a current, unrestricted license, certificate, or registration from that state or the District of Columbia. If applying from a jurisdiction that does not have such a requirement, an applicant may apply for licensure by credentials, and no evidence of licensure, certification, or registration is required.

B. The board may issue a license to any person who:

1. Meets the provisions of subsection A of this section;
2. Has not been the subject of a disciplinary action taken by any jurisdiction in which he was found to be in violation of law or regulation governing practice and which, in the judgment of the board, has not remediated;
3. Meets one of the following conditions:
  - a. Has ~~practiced as the administrator of record~~ been engaged in active practice as an assisted living facility administrator in an assisted living facility that provides assisted living care as defined in § 63.2-100 of the Code of Virginia ~~for at least two of the four years immediately preceding application to the board~~; or
  - b. Has education and experience substantially equivalent to qualifications required by this chapter and has provided written evidence of those qualifications at the time of application for licensure; and

4. Has successfully passed a national credentialing examination for administrators of assisted living facilities approved by the board.

**18VAC95-30-130. Application package.**

A. An application for licensure shall be submitted after the applicant completes the qualifications for licensure.

B. An individual seeking licensure as an assisted living facility administrator or registration as a preceptor shall submit:

1. A completed application as provided by the board;
2. Additional documentation as may be required by the board to determine eligibility of the applicant, to include the most recent survey report if the applicant has been serving as an acting administrator of a facility;
3. The applicable fee;
4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and the regulations relating to assisted living facilities; and
5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

C. With the exception of school transcripts, examination scores, the NPDB report, employer verifications, and verifications from other state boards, all parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year, after which time the application shall be destroyed and a new application and fee shall be required.

Part IV

Administrator-in-Training Program

**18VAC95-30-140. Training qualifications.**

A. To be approved as an ALF administrator-in-training, a person shall:

1. Meet the requirements of 18VAC95-30-100 A 1;
2. Obtain a registered preceptor to provide training;
3. Submit the application and Domains of Practice form provided by the board and the fee prescribed in 18VAC95-30-40; and
4. Submit additional documentation as may be necessary to determine eligibility of the applicant and the number of hours required for the ALF AIT program.

B. With the exception of school transcripts, all required parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year after which time the application shall be destroyed and a new application and fee shall be required.

**18VAC95-30-150. Required hours of training.**

A. The ALF AIT program shall consist of hours of continuous training as specified in 18VAC95-30-100 A 1 in a facility as prescribed in 18VAC95-30-170 to be completed within 24 months, except a person in an ALF AIT program who has been approved by the board and is serving as an acting administrator shall complete the program within 150 days. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B of this section.

B. An ALF AIT program applicant with prior health care work experience may request approval to receive hours of credit toward the total hours as follows:

1. An applicant who has been employed full time for one of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT program;
2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 320 hours in an ALF AIT program; or
3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT program.

**18VAC95-30-170. Training facilities.**

A. Training in an ALF AIT program or for an internship ~~or practicum~~ shall be conducted only in:

1. An assisted living facility or unit licensed by the Virginia Board of Social Services or by a similar licensing body in another jurisdiction;
2. An assisted living facility owned or operated by an agency of any city, county, or the Commonwealth or of the United States government; or
3. An assisted living unit located in and operated by a licensed hospital as defined in § 32.1-123 of the Code of Virginia, a state-operated hospital, or a hospital licensed in another jurisdiction.

B. [ ~~Training~~ A new ALF AIT program or internship ] shall not be conducted in a facility with a provisional license as determined by the Department of Social Services.

**18VAC95-30-180. Preceptors.**

A. Training in an ALF AIT program shall be under the supervision of a preceptor who is registered or recognized by Virginia or a similar licensing board in another jurisdiction.

B. To be registered by the board as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;
2. Be employed full time as an administrator in a training facility or facilities for a minimum of ~~one~~ two of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and
3. Provide evidence that he has completed the online preceptor training course offered by NAB; and
4. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning, and evaluation;
2. Be routinely present with the trainee in the training facility as appropriate to the experience and training of the ALF AIT and the needs of the residents in the facility; and
3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

D. A preceptor may supervise no more than two trainees at any one time.



E. A preceptor for a person who is serving as an acting administrator while in an ALF AIT program shall be present in the training facility for face-to-face instruction and review of the trainee's performance for a minimum of ~~two~~ four hours per week.

F. To renew registration as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia assisted living facility or nursing home license and be employed by or have an agreement with a training facility for a preceptorship; and
2. Meet the renewal requirements of 18VAC95-30-60.

**18VAC95-30-200. Interruption or termination of program.**

A. If the program is interrupted because the registered preceptor is unable to serve, the trainee shall notify the board within 10 working days and shall obtain a new preceptor who is registered with the board within 60 days.

1. Credit for training shall resume when a new preceptor is obtained and approved by the board.
2. If an alternate training plan is developed, it shall be submitted to the board for approval before the trainee resumes training.

B. If the training program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within ~~five~~ working 10 business days. The preceptor shall also submit all required monthly progress reports completed prior to termination within 10 business days.

## Part V

## Refusal, Suspension, Revocation and Disciplinary Action

**18VAC95-30-210. Unprofessional conduct.**

The board may refuse to admit a candidate to an examination, refuse to issue or renew a license or registration or grant approval to any applicant, suspend a license or registration for a stated period of time or indefinitely, reprimand a licensee or registrant, place his license or registration on probation with such terms and conditions and for such time as it may designate, impose a monetary penalty, or revoke a license or registration for any of the following causes:

1. Conducting the practice of assisted living administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;
2. Failure to comply with federal, state, or local laws and regulations governing the operation of an assisted living facility;
3. Conviction of a felony or any misdemeanor involving abuse, neglect, or moral turpitude;
4. ~~Failure to comply with any regulations of the board; or~~ Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.), and 31 (§ 54.1-3100 et seq.) of the Code of Virginia or regulations of the board;
5. Inability to practice with reasonable skill or safety by reason of illness or substance abuse or as a result of any mental or physical condition;
6. Abuse, negligent practice, or misappropriation of a resident's property;
7. Entering into a relationship with a resident that constitutes a professional boundary violation in which the administrator uses his professional position to take advantage of the vulnerability of a resident or his family, to include actions that result in personal gain at the

expense of the resident, an inappropriate personal involvement [ with a resident, ] or sexual conduct with a resident;

8. The denial, revocation, suspension, or restriction of a license to practice in another state, the District of Columbia or a United States possession or territory;

9. Assuming duties and responsibilities within the practice of assisted living facility administration without adequate training or when competency has not been maintained;

10. Obtaining supplies, equipment, or drugs for personal or other unauthorized use;

11. Falsifying or otherwise altering resident or employer records, including falsely representing facts on a job application or other employment-related documents;

12. Fraud or deceit in procuring or attempting to procure a license or registration or seeking reinstatement of a license or registration; or

13. Employing or assigning unqualified persons to perform functions that require a license, certificate, or registration.