

The Virginia Board of Long-Term Care Administrators convened a Regulatory Advisory Panel on Monday, December 9, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #1, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Lisa Kirby, NHA, Chair

**PANEL MEMBERS PRESENT:**

Jenny Inker, PhD, ALFA, Virginia Commonwealth University  
Joani Latimer, Department for Aging and Rehabilitation Services  
April Payne, Virginia Health Care Association/Virginia Center for Assisted Living  
Judy Hackler, Executive Director, Virginia Assisted Living Association  
Dana Parsons, Vice President and Legislative Counsel, LeadingAge Virginia  
Jennifer Yanez Pryor, ALFA, Virginia Commonwealth University  
Michelle Grachek, CEO, National Association of Long Term Care Administrator Boards (NAB) (virtual)

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Erin Barrett, JD, Director of Legislative and Regulatory Affairs  
Sarah Georgen, Licensing and Operations Supervisor  
Annette Kelley, MS, CSAC, Deputy Executive Director (virtual)  
Matt Novak, Policy and Economic Analyst  
M. Brent Saunders, Senior Assistant Attorney General  
Corie E. Tillman Wolf, JD, Executive Director  
Heather Wright, Senior Licensing Program Coordinator (virtual)

**OTHER GUESTS PRESENT**

None

**CALL TO ORDER**

Ms. Kirby called the meeting to order at 10:07 a.m. and asked the meeting participants to introduce themselves.

Ms. Tillman Wolf then read the emergency egress instructions.

**REVIEW OF AGENDA**

Ms. Kirby requested proposed changes to the ordering of the agenda. Ms. Tillman Wolf requested flexibility in the order of item discussion due to a scheduling conflict for Ms. Grachek.

Ms. Kirby stated that panel members had printed handouts to help facilitate the discussion, including the regulations governing the practice of Nursing Home Administrators (NHA) and regulations governing the practice of Assisted Living Facility Administrator (ALFA) and minutes from three meetings of the Assisted Living Facility Administrator-in-Training Resources and Supports Workgroup held in 2023 and 2024.

### **CHARGE OF THE REGULATORY ADVISORY PANEL (RAP)**

Ms. Kirby provided an overview of the charge of the RAP. She stated that the RAP has been convened to continue some of the more regulatory discussions with stakeholders resulting from the meetings of the ALF AIT Resources and Supports Workgroup. Ms. Kirby noted that the discussion surrounding the challenges faced by Administrators-in-Training (AIT) in the long term care setting continues and that specific areas of discussion and input is requested from the RAP including recommendations on (1) the size of training sites for ALF AIT programs; (2) preceptor registration requirements; (3) concerns related to the national examination for assisted living; (4) the development of resources and continued stakeholder collaboration in this area.

Ms. Kirby also noted that the RAP members would receive information from Ms. Payne regarding the development of a prelicensure course by VHCA that may assist in the preparation of prospective administrators for licensure and employment in the field.

### **GROUP DISCUSSION**

#### *Size of Training Facilities for ALF AIT Programs*

Ms. Tillman Wolf provided background information concerns raised regarding the current regulatory language related to the size of training facilities for Assisted Living Facility (ALF) Administrator-in-Training (AIT) programs. She noted that concerns have been raised that the restriction on training at sites with fewer than 20 resident beds has created a barrier to training for AITs in smaller facilities, which comprise about 25% of all licensed AL facilities. The current regulatory language that became effective in December 2022 states that “training in an ALF AIT program or for an internship shall not be conducted in an assisted living facility with a licensed resident capacity of fewer than 20 residents” (18VAC95-30-170(B)(4)). Options for amendments to this language that have been discussed include (i) striking (B)(4) in its entirety (eliminating the facility size restriction), (ii) changing the number of minimum resident capacity, or (iii) adding a provision that a trainee complete a minimum of [x] hours in a secondary facility with 20 or more residents.

Panel members discussed the size of training facilities for ALF AIT programs.

Ms. Hackler noted the inability of facilities to train their staff due to the current facility size limitation. She noted that some employers are required to pay their competitors to train their AITs, causing issues with fairness to smaller facilities. She suggested repealing regulation 18VAC95-30-170(B)(4).

Panel members discussed possible compromises related to the minimum size or bed capacity at training facilities that may balance concerns related to the necessity of comprehensive training and the possible

burden on smaller facilities, including the completion of a percentage of training hours at a larger facility or possible observation hours in a larger facility.

Ms. Hackler suggested tiered licensure as a possible solution to smaller facility operation programs. Ms. Grachek noted that mobility of licensure to other jurisdictions would be difficult for those with tiered licensure as they would not meet equivalent standards in other jurisdictions ultimately causing a barrier to licensure.

Panel members further discussed possible solutions to these concerns as they related to available data points.

Panel members determined that additional information and data were required to make an informed decision on possible recommendations to the full Board. The Panel suggested the compilation of data through a collective survey related to whether preceptors charge for AIT training programs, the prevalence of paid or unpaid AIT programs, and whether preceptors could provide training to someone outside of their employer. Panel members further noted that additional data was needed from the Department of Social Services (DSS) regarding what they are observing in facilities.

#### *Preceptor Registration Requirements*

Ms. Tillman Wolf provided background information related to an ongoing concern about preceptor registration requirements. She suggested an amendment to allow Nursing Home Administrators (NHA) preceptors to only register once, rather than for each AIT type (ALFA or NHA), in an effort to streamline the application process.

Ms. Tillman Wolf also suggested the revision of the number of AITs allowed under a preceptor from two to three under regulation 18VAC95-30-180(D). Panel members agreed that this change would be beneficial to both AITs and Preceptors.

Panel members discussed the requirement in 18VAC95-30-180(B)(2) for a preceptor to “be employed full time as an administrator in a training facility for a minimum of two of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility.” Ms. Tillman Wolf suggested recommendations to the full Board to clarify this language to allow for initial preceptor applicants with the requisite years of experience to have a written agreement with a training facility for a preceptorship.

Ms. Tillman Wolf also suggested the necessity for NHA Preceptors who precept both ALF AITs and NHA AITs to only renew their preceptor registration once during the renewal process which would provide a cost-savings to preceptors.

#### *Concerns Related to National Examination for Residential Care/Assisted Living (RCAL)*

Ms. Tillman Wolf provided background information on concerns raised at the last workgroup meetings related to the National Examination for Residential Care/Assisted Living (RCAL) and the suggestion made for an alternative state examination to be developed for licensure instead of the national examination.

Ms. Grachek provided information to the RAP on concerns with developing or transitioning to a state examination.

She stated that Virginia was not alone in its concern related to exams, but that national exam scores across numerous health professions have seen a decline in pass rates since COVID-19. She noted individual preparation, capacity, and capability concerns as possible factors, as well as the impact of the virtual environment on learning. She stated that data could suggest a shift in base knowledge for overall facility operations post-COVID, which would be reviewed more closely during the upcoming practice analysis in 2025.

Ms. Grachek acknowledged the concern about nursing home content on the Core of Knowledge Exam for Long Term Care Administrators (CORE) examination and consulted with NAB exam item writers to determine the source of the concerns. She stated that it was discovered that nursing home related information was contained in the customizable self study materials for the RCAL AIT Program Manual and this information was missed when the original NHA AIT manual was used as the base template for and updated to create the RCAL materials. The self study materials in the RCAL AIT Program Manual were pulled from the NAB website and are currently being reworked by subject matter experts with an anticipated repost in January 2025. Ms. Grachek confirmed with exam item writers that the nursing home content reflected in the RCAL AIT manual study materials was not contained in the CORE or RCAL exams.

Ms. Grachek spoke to the creation of a state examination and noted the considerable cost that would be incurred by the Board if approved. She stated that the examination vendor requires a minimum annual test volume activity of \$80,000 to contract for the administration of the examination, excluding the publication, development, and system set-up costs. She stated that there was a significant cost to develop the exams and that there would be a need to consider potential damages in the event of an exam breach. She noted that the cost to applicants would increase considerably.

Ms. Grachek further stated that if Virginia chose to administer a state examination only, the mobility to other jurisdictions would be difficult for Virginia licensees as they would still be required to take the NAB examination before licensure in certain jurisdictions could be approved.

Ms. Grachek directed Panel members to recent study information showing the increase in acuity of medical needs for residents of assisted living from the Center for Excellence in Assisted Living (CEAL).

Ms. Grachek stated that NAB will conduct its five-year practice analysis in 2025 and intends to focus on efforts to improve the pass rate statistics. Ms. Grachek supported the use of study course lists that identify primary source materials to provide exam candidates with a better idea of the key sources to study. She indicated that NAB has explored the possibility of providing a listing of available preparation courses for the examinations.

Dr. Inker stated that Virginia Commonwealth University offers a Residential Care/Assisted Living Exam Preparation Course twice a year that provides an overview of all four domains of practice based on NAB competencies, to assist with test-taking strategies, alleviate test-taking anxiety, and practice applying skills.

Panel members discussed the use of the exam as a means of vetting individuals with leadership and management potential in running a building and their preparedness for the profession. Panel members

expressed concerns regarding reducing the requirements versus protection of the residents and discussed the need for investment in preparing individuals for the profession and exam, rather than putting that financial investment into a new exam.

#### *Stakeholder Collaboration and Resource Development*

Ms. Kirby opened the floor for discussion or updates on stakeholder resource development.

Ms. Parsons stated that LeadingAge Virginia intends to develop a virtual series available to AL AITs and preceptors to promote connection and discussion on overcoming recurring challenges within the profession with guest speakers from different entities. Ms. Grachek indicated that NAB could assist in connecting with speakers who are subject matter experts.

Ms. Pryor and Dr. Inker suggested the review of Department of Social Services cases for AITs which would contribute to a deeper understanding of practice competency using real-world scenarios.

The Panel suggested that the Board update preceptors annually with information and resources available.

#### *Development of Prelicensure Courses*

Ms. Payne provided a brief overview of VHCA's efforts to develop a prelicensure course for NHAs and for ALFAs using a model from the Ohio Certified Executive for Assisted Living (CEAL) certification program. She said that the Ohio program was designed to provide state-specific training and align the program with the NAB domains of practice in preparation for the examination. She stated that the NHA prelicensure course would be launched first, but that the NHA course could also be adapted to a prelicensure course for ALFA in the future.

Ms. Payne said that VHCA intends to propose this certification program to the full Board for consideration. She said that it would include a NAB focused curriculum with 19 modules which would include 80 hours. The Board would be asked to consider crediting the hours towards required AIT program hours.

Ms. Payne noted that the foundation of this certification would also allow for cohorts to virtually meet once a month to discuss and navigate real-world scenarios and experiences.

#### **WRAP UP/NEXT STEPS**

Ms. Kirby suggested continued discussion at a future RAP meeting pertaining to the size of training facilities and examination concerns.

Ms. Kirby reiterated the RAP's interest in a survey to AITs and Preceptors for additional data on possible training obstacles.

Ms. Kirby stated that the RAP recommendations related to preceptor registration requirements would be provided to the full Board at its next meeting.

Ms. Kirby thanked the participants for their time and collaboration.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:59 a.m.

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Corie Tillman Wolf, J.D., Executive Director

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Date