

June 18, 2024

The Virginia Board of Long-Term Care Administrators convened for a full board meeting on Tuesday, June 18, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Lisa Kirby, NHA, Vice-Chair
Kimberly Brathwaite, ALFA
Lynn Campbell, Citizen Member
Pamela Dukes, MBA, Citizen Member
Latonya Hughes, PhD, RN, NHA
Ashley Jackson, NHA, MBA
Ann Williams, EdD, Citizen Member

BOARD MEMBERS NOT PRESENT:

Jenny Inker, PhD, ALFA, Chair

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Sarah Georgen, Licensing and Operations Supervisor
Annette Kelley, MS, CSAC, Deputy Executive Director
Arne W. Owens, Agency Director
Matt Novak, Policy and Economic Analyst
Melanie Pagano, JD, Deputy Executive Director
M. Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie E. Tillman Wolf, JD, Executive Director

OTHER GUESTS PRESENT

Keshawn Wade
Jennifer Yanez Pryor, Virginia Commonwealth University
Judy Hackler, Virginia Assisted Living Association

CALL TO ORDER

Ms. Kirby called the meeting to order at 10:00 a.m. and asked the Board members and staff to introduce themselves.

With six board members present at the meeting, a quorum was established.

Ms. Kirby read the mission of the Board, which is also the mission of the Department of Health Professions.

Ms. Kirby reminded the Board members and audience about microphones, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Ms. Kirby opened the floor to any edits or corrections regarding the draft minutes for a Board meeting held on March 12, 2024. The minutes were approved as presented.

ORDERING OF THE AGENDA

Ms. Tillman Wolf stated that Ms. Barrett was unable to attend the meeting due to a scheduling conflict. She stated that Mr. Novak was prepared to provide the Legislative and Regulatory Report in Ms. Barrett's absence.

Ms. Tillman Wolf requested that, due to a scheduling conflict with another meeting, Mr. Owens provide the Agency Report before public comment.

Upon a **MOTION** by Ms. Jackson properly seconded by Ms. Brathwaite, the Board voted to accept the agenda as amended. The motion passed unanimously (6-0).

AGENCY REPORT – Arne W. Owens, Agency Director

Mr. Owens thanked the Board Members for their service and contribution to the profession.

Mr. Owens spoke about the successful 2024 General Assembly Session and legislative efforts, including the formal acceptance of the state budget. Mr. Owens clarified that DHP does not receive any funds from the General Assembly, but rather the authority to spend as DHP is a special funded agency deriving funds from licensure fees. Further, Mr. Owens spoke to the approval of additional full-time employees based on the increased number of licensees and disciplinary caseloads.

Mr. Owens reported on the continuing Business Process Reengineering efforts for the licensure process and staff retention efforts through the study of agency salaries.

With no questions, Mr. Owens concluded his report.

PUBLIC COMMENT

There was no public comment.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

Welcome and Congratulations

Ms. Tillman Wolf announced Ms. Pagano's retirement effective August 2024, with her last day in the office on July 31, 2024. She welcomed Annette Kelley as the new Deputy Executive Director of the Board.

Board Updates

Ms. Tillman Wolf reported that the license renewal cycle ended on March 31, 2024, and that additional information regarding renewals and CE audits would be provided by Ms. Georgen.

Ms. Tillman Wolf discussed ongoing Board initiatives in 2024 to include continued collaboration with the AIT Workgroup, the Business Process Reengineering recommendations for the licensure process, and the continued efforts to streamline and update applications while focusing on the public-facing information and resources. She also noted that continued efforts will be made to provide additional guidance for those beginning the licensure process.

NAB Updates

Ms. Tillman Wolf reported that the National Association of Long Term Care Administrator Boards (NAB) Annual Meeting was held on June 5-7, 2024, and Ms. Kirby attended on behalf of the Board.

She reported on the ongoing NAB discussion items and committees including the future of NAB Meetings Task Force and discussions surrounding mobility of licensure.

Ms. Tillman Wolf announced that application for volunteers for the NAB Exam Item Writing Committee was recently reopened for Board members interested in applying to volunteer.

Discipline Cases Rough Data

Ms. Tillman Wolf provided rough data related to cases involving Assisted Living Facility (ALF) Administrators-in-Training (AITs) and Acting Assisted Living Facility Administrators-in-Training. She stated that the data had not been through a quality assurance process but was based on information available at that time through the licensure database. She provided takeaways from the review of this information.

Ms. Kirby inquired if facility information could be tracked based on the complaints and violations. Ms. Tillman Wolf responded that Board staff could manually review the facility information as it applies to Administrators-in-Training, but for the licensees, it would be harder to track specific data since the Board does not track the facilities where licensed administrators are employed.

2024 Board Meeting Schedule

Ms. Tillman Wolf reminded Board Members of the remaining 2024 Board meeting dates:

- September 17, 2024
- December 3, 2024

Notes and Reminders

Ms. Tillman Wolf provided reminders to the Board Members regarding quorum requirements and changes to contact information. She thanked members for their service to the Board.

With no further questions, Ms. Tillman Wolf concluded her report.

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

As of May 31, 2024, Ms. Pagano reported the following disciplinary statistics:

- 78 Patient Care Cases
 - 3 at Informal
 - 0 at Formal
 - 21 at Enforcement
 - 53 at Probable Cause
 - 1 at Administrative Proceedings Division

- 30 Non-Patient Care Cases
 - 0 at Informal
 - 2 at Formal
 - 12 at Enforcement
 - 14 at Probable Cause
 - 2 at Administrative Proceedings Division

- 2 at Compliance

Ms. Pagano reported the following Total Cases Received and Closed:

- | | |
|-------------------|-------------------|
| • Q1 2022 – 20/19 | • Q3 2023 – 18/23 |
| • Q2 2022 – 26/39 | • Q4 2023 – 23/18 |
| • Q3 2022 – 19/20 | • Q1 2024 – 24/14 |
| • Q4 2022 – 19/17 | • Q2 2024 – 26/22 |
| • Q1 2023 – 23/39 | • Q3 2024 – 26/36 |
| • Q2 2023 – 14/22 | |

Ms. Pagano thanked the Board Members for their support and assistance with reviewing disciplinary cases last quarter.

Ms. Kirby inquired if there was insight into the initial contact of complaints, specifically if they were based on DSS violations or coming from other sources. Ms. Pagano noted that many cases are received from families, facility staff, and other entities.

With no questions, Ms. Pagano concluded her report.

Ms. Dukes arrived at 10:25 a.m., establishing a quorum of seven Board Members.

Licensure Report – Sarah Georgen, Licensing and Operations Supervisor

Ms. Georgen presented licensure statistics that included the following information:

Current License Count – ALFA and NHA

ALFA	Q3 – 2024	NHA	Q3 – 2024
ALFA	679	NHA	995
ALF AIT	101	NHA AIT	92
Preceptor	220	Preceptor	224
Total ALFA	1,000	Total NHA	1,311

Ms. Georgen reviewed the trends of licensure counts since Q4 – 2018.

Licensure Renewals – 2024

Ms. Georgen reported on the final 2024 licensure renewals.

License	Renewed	Not Renewed	Renewed Percentage
Assisted Living Facility Administrators	573	72	88.84%
Assisted Living Facility Preceptors	194	18	91.51%
Nursing Home Administrators	825	93	89.87%
Nursing Home Preceptors	200	17	92.17%

Incomplete Renewals - 2024

Ms. Georgen provided information regarding licensees that had incomplete applications for the 2024 renewal.

Continuing Education Audit – 2024

Ms. Georgen provided information regarding the 2024 random continuing education audit that was in process.

Ms. Jackson requested information on the number of licensees versus the number of facilities in Virginia. Ms. Tillman Wolf stated that the Healthcare Workforce Data Center would provide a report at the next business meeting and she would confirm whether they may be able to provide additional information related to this request.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General

Mr. Saunders did not have a report to provide.

COMMITTEE AND BOARD MEMBER REPORTS

National Association of Long Term Care Administrator Boards (NAB) Annual Meeting Report – Lisa Kirby NHA

Ms. Kirby provided an update on the National Association of Long Term Care Administrator Boards (NAB) Annual Meeting held on June 5-7, 2024, in Oklahoma City, Oklahoma. Ms. Kirby provided a summary of discussion topics, including demand for AITs and preceptors, changes to CE requirements, the implementation of the Health Services Executive (HSE), the value proposition statement for NAB and for the boards, and artificial intelligence. Ms. Kirby further outlined discussion related to AITs and the potential use of civil monetary penalty (CMP) funding in some states to support training.

Ms. Brathwaite asked about AIT funding in Virginia. Ms. Tillman Wolf stated that she did not believe that AIT training was included in the list of possible uses of CMP funds by the Department of Medical Assistance Services (DMAS), but she would bring additional information back to the next meeting. Ms. Brathwaite asked if that information would be included in future conversations. Ms. Tillman Wolf said that the AIT Workgroup conversations would be a good place to discuss the issue of funding.

Ms. Brathwaite inquired about in-person examination preparation courses. Ms. Tillman Wolf stated that RC/AL exam preparation is available through Virginia Commonwealth University. She reported that VCU is also reviewing possibilities for NHA courses. Ms. Tillman Wolf stated that Virginia Health Care Association (VHCA) was evaluating Ohio's test preparation materials for NHAs and identifying ways to assist future AITs with the examination process.

Ms. Jackson inquired regarding the availability of examination resources for the Home and Community Based Services (HCBS) examination.

With no further questions, Ms. Kirby concluded her report.

LEGISLATION AND REGULATORY ACTIONS

Report on Status of Regulations – Matt Novak, Policy and Economic Analyst

Mr. Novak provided an update on pending regulatory actions.

Temporary Authorization to Practice for Out-of-State Licensees – Addition of Assisted Living Facilities (HB 511) - Effective July 1, 2024

Mr. Novak and Ms. Tillman Wolf provided an overview of the Temporary Authorization to Practice for Out-of-State Licensees and the addition of Assisted Living Facilities as outlined in House Bill 511 which will become effective on July 1, 2024.

Ms. Dukes inquired on the number of reporting forms submitted since original implementation of the temporary authorization to practice form. Ms. Tillman Wolf noted there had been a small number of reporting forms received by the Board related to NHAs.

Ms. Jackson requested additional information to be added to the website in relation to this update. Ms. Tillman Wolf stated that information would be posted on or before July 1, 2024.

With no further questions, Mr. Novak and Ms. Tillman wolf concluded their reports.

BOARD DISCUSSION AND ACTION

Consideration of Petition for Rulemaking (Rosenblatt)

Mr. Novak explained that a petition for rulemaking allows any member of the public to request that the Board consider promulgation of a new regulation or consider the amendment or repeal of an existing regulation. Mr. Novak reviewed the process for a petition for rulemaking and stated that Virginia Regulatory Town Hall provides the public with notice of the petition and an opportunity for comment. He explained that the Board must issue a written decision granting or denying the petition. The decision must include the reasons for the Board's decision, and it must appear in Town Hall and be published in the Register.

Mr. Novak noted that 40 comments were received on Town Hall during the open comment period. He stated that 37 comments were in support of the petition, and three (3) comments did not indicate a position or were unclear in their position.

The Board discussed the Petition for Rulemaking.

Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Jackson, the Board voted to take no action on the petition, but referred the issue related to the size of assisted living training facilities to the Assisted Living Administrator-in-Training Resources and Supports Workgroup for recommendations to the full Board. The motion carried unanimously (7-0).

BOARD MEMBER RECOGNITION

Ms. Kirby recognized Ms. Jackson for her service and dedication to the Board from 2019 to 2024. Ms. Kirby announced that Ms. Jackson's second term would expire on June 30, 2024, and provided brief remarks on her incumbency. Ms. Kirby presented Ms. Jackson with a plaque to recognize her service.

Ms. Kirby recognized Dr. Williams for her service and dedication to the Board from 2021 to 2024. Ms. Kirby announced that Dr. Williams' first term would expire on June 30, 2024, and provided brief remarks on her incumbency. Ms. Kirby presented Dr. Williams with a certificate to recognize her service.

NEXT MEETING

The next scheduled meeting date is September 17, 2024.

ADDITIONAL COMMENTS

Ms. Kirby stated that the Board would convene two formal hearings beginning at 1:00 p.m. She requested the participation of all Board Members, apart from herself and Ms. Brathwaite, who were excused from the first hearing only, and that all Board Members would participate in the second hearing.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:34 a.m.

Corie Tillman Wolf, J.D., Executive Director

Date