

**December 9, 2022**

The Virginia Board of Long-Term Care Administrators' Legislative/Regulatory Committee convened on Friday, December 9, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

### **BOARD MEMBERS PRESENT**

Jenny Inker, PhD, MBA, ALFA, Board and Committee Chair  
Pamela Dukes, MBA, Citizen Member  
Lisa Kirby, NHA  
Ann L. Williams, EdD, Citizen Member

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

Erin Barrett, Senior Policy Analyst  
Matt Novak, Policy Analyst  
Kelley Palmatier, Deputy Executive Director  
Brent Saunders, Senior Assistant Attorney General, Board Staff  
Corie Tillman Wolf, Executive Director

### **OTHER GUESTS PRESENT**

Judy Hackler, Virginia Assisted Living Association

### **CALL TO ORDER**

Dr. Inker called the meeting to order at 1:01 p.m. and asked the Board members and staff to introduce themselves.

With four Committee members present at the meeting, a quorum was established.

Dr. Inker read the mission of the Board, which is also the mission of the Department of Health Professions.

Ms. Tillman Wolf read the emergency egress instructions.

### **ORDERING OF THE AGENDA**

Dr. Inker requested any changes to the ordering of the agenda. Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Dukes, the agenda was approved as presented. The motion passed unanimously (4-0).

### **PUBLIC COMMENT**

The Committee did not receive any public comment.

## DISCUSSION

Ms. Barrett provided an overview of the Governor's recent directive regarding the reduction of regulations and the role of the Committee in making recommendations to the full Board for consideration. Ms. Barrett noted that there are final Board regulations related to the AIT program and an additional pathway to licensure for ALFAs that are set to become effective on December 21, 2022. Ms. Barrett stated that the Board is due for a periodic review in 2023, which will provide an additional opportunity to receive public comment and review regulations that may be outdated or unclear.

Dr. Inker and Committee members reviewed the Board's Regulations Governing Nursing Home Administrators (18 VAC 95-20-10 et seq.) and Assisted Living Facility Administrators (18 VAC 95-30-10 et seq.) for possible areas of reduction.

### *Regulations Governing Nursing Home Administrators (18 VAC 95-20-10 et seq.)*

18VAC95-20-80, possible new 95-20-205: Ms. Tillman Wolf proposed that the Board consider the addition of an inactive licensure status for both NHA and ALFA licensees. Inactive licensees would pay a reduced yearly renewal fee; these licensees would not be required to complete yearly continuing education (CE) requirements but also would not be permitted to practice in Virginia while in an inactive status. The benefit to licensees would be the ease of reactivating the license by paying the difference in inactive and active renewal fees and completion of CE hours, rather than going through a license reinstatement process. This would be helpful to address certain workforce issues, as it would allow out-of-state or retired administrators to more easily reactivate licensure to practice in Virginia.

18VAC95-20-130 – Committee members discussed a clarification to the language regarding payment of exam fees to the service or entities providing the exam.

18VAC95-20-175 – Ms. Barrett stated that the Board could review the structure of CE hours, specifically the overall hour requirement where licensees may fulfill CE through "soft" hours with internet or self-study courses. Ms. Tillman Wolf noted that additional review and discussion may be warranted in this area to ensure that any change in CE requirements does not conflict with facility based regulatory requirements.

Committee members discussed the deletion of language in -175(C)(2)(d) which requires the signature of an authorized representative of an approved sponsor on CE documentation.

Committee members discussed the insertion of language in -175(C)(3) to allow administrators to use database information from the NAB CE Registry as an additional means to document compliance.

Committee members discussed that administrators may benefit from additional education regarding the availability of credit for non-NAB CE programs/courses, including CE courses from government agencies or accredited universities.

18VAC95-20-180 – Committee members discussed the change in (A) of "shall" to "may" as a possible reduction, or whether this may be more appropriate as a clarification during a periodic review.

18VAC95-20-220 – Committee members discussed the deletion of (3)(iii) as a separate requirement, as completion of the Domains of Practice form is already part of completion of an AIT program.

18VAC95-20-230 – Committee members discussed deletion of (B)(4) as a required submission in an application package.

18VAC95-20-300 – Committee members discussed deletion of the first sentence of (B), as an unnecessary requirement for the timing of documents for an application package.

18VAC95-20-340 (B) – Committee members discussed whether the Board should reconsider the number limit on AITs under one preceptor. Committee members agreed that this may be more appropriate for a periodic review, as the Board could receive public comment regarding the impact of such an amendment.

18VAC95-20-440 – Committee members discussed the deletion of the language in (A), “and shall obtain a new preceptor who is registered with the board within 60 days” as any resumption of an AIT program would already require approval of a new preceptor, and the time limit was unnecessarily burdensome.

*Regulations Governing Assisted Living Facility Administrators (18 VAC 95-30-10 et seq.)*

18VAC95-30-40, possible 95-30-91 – Committee members discussed the recommendation of adding an inactive license status for ALFAs.

18VAC95-30-70 – Committee members discussed recommendations similar to those discussed for the Chapter 20 regulations – consideration of overall CE hours, deletion of language in 95-20-70(C)(2)(d) which requires the signature of an authorized representative of an approved sponsor on CE documentation, and insertion of -70(C)(3) to allow administrators to use documentation from the NAB CE Registry.

18VAC95-30-80 – Committee members discussed the change in (A) of “shall” to “may.”

18VAC95-30-130 - Committee members discussed deletion of (B)(4) as a requirement for an application package and deletion of the first sentence of (C) for the same reasons as discussed under Ch. 20.

18VAC95-30-140 – Committee members identified the deletion of the first sentence of (B).

18VAC95-30-200 - Committee members discussed the deletion of the language in (A), “and shall obtain a new preceptor who is registered with the board within 60 days” for the same reasons as previously discussed.

Upon a **MOTION** by Dr. Williams, and properly seconded by Ms. Kirby, the Committee voted to recommend the proposed reductions to the Regulations for Nursing Home Administrators and Assisted Living Facility Administrators to the full Board for consideration as discussed by the Committee. The motion passed unanimously (4-0).

**FEEDBACK ON UPDATED ADMINISTRATOR-IN-TRAINING BOARD FORMS**

Ms. Tillman Wolf provided copies of draft updates to the Board’s forms for the AIT program. The forms reflected updates to the Board’s Regulations set to become effective on December 21, 2022, as well as recent

updates to the Domains of Practice from NAB. Committee members provided feedback on the forms, including the Proposed Training Plan, AIT Monthly Report, and AIT Report of Completion. Committee members recommended changes to the Report of Completion to remove the hours of training in each separate sub-category, to instead include simple checkboxes for the AIT to indicate receipt of training in each area. Board staff will make modifications to the forms as discussed. The forms will be available for AIT and Preceptor use when the new regulations become effective on December 21, 2022.

## **NEXT MEETING**

Dr. Inker stated that the next full business meeting of the Board is scheduled for March 7, 2023. The recommendations of the Legislative/Regulatory Committee will be presented to the full Board for consideration.

## **ADJOURNMENT**

With all business concluded, the meeting adjourned at 2:47 p.m.



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Corie Tillman Wolf, J.D., Executive Director

March 8, 2023

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Date