

October 27, 2021

The Virginia Board of Long-Term Care Administrators convened for a full board meeting on Wednesday, October 27, 2021 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Martha Hunt, ALFA, Chair
Ashley Jackson, NHA, Vice-Chair
Mitchell Davis, NHA
Pamela Dukes, Citizen Member
Ali Faruk, Citizen Member
Jenny Inker, Ph.D., ALFA
Lisa Kirby, NHA
Ann Williams, Ed.D., Citizen Member

BOARD MEMBERS ABSENT:

None

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, M.D., Deputy Director, DHP
Erin Barrett, Assistant Attorney General, Board Counsel
Trasean Boatwright, Program Manager
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Yetty Shobo, Deputy Director, DHP Healthcare Workforce Data Center
Corie Tillman Wolf, Executive Director
Elaine Yeatts, Sr. Policy Analyst

OTHER GUESTS PRESENT

Judy Hackler, Virginia Assisted Living Association
Derrick Kendall
April Payne, Virginia Health Care Association/Virginia Center for Assisted Living

CALL TO ORDER

Ms. Hunt called the meeting to order at 11:09 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. Hunt congratulated Dr. Inker and Ms. Jackson on their reappointments to the Board. Ms. Hunt welcomed Pamela Dukes, Lisa Kirby, and Ann Williams to the Board for their first terms. They were appointed by the Governor of Virginia on September 17, 2021.

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

Ms. Hunt provided reminders to the Board members and audience regarding microphones, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

Mr. Faruk arrived at 11:12 a.m.

APPROVAL OF MINTUES

Ms. Hunt opened the floor to any edits or corrections regarding the draft minutes for the Board meeting held on December 8, 2020, formal hearings held on December 8, 2020 and February 12, 2021, and Legislative/Regulatory Committee meetings held on June 15, 2021 and September 9, 2021. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Ms. Tillman Wolf asked for flexibility for Dr. Shobo to arrive in order to present the 2021 Workforce Report.

Upon a **MOTION** by Ms. Jackson, properly seconded by Dr. Inker, the Board voted to accept the agenda as presented. The motion passed unanimously (7-0: *Dukes, Faruk, Inker, Jackson, Kirby, Williams, Hunt*).

PUBLIC COMMENT

There was written public comment, which was distributed to the Board Members (Attachment A).

BOARD MEMBER RECOGNITION

Ms. Hunt recognized Mr. Derrick Kendall, NHA, for his dedication to the Board of Long-Term Care Administrators. Mr. Kendall provided brief remarks on his experience on the Board.

Ms. Hunt also recognized Marj Pantone, Shervonne Banks, and Basil Acey for their dedication to the Board, but noted that they could not be in attendance.

Mr. Davis arrived at 11:19 a.m.

AGENCY REPORT

Dr. Allison-Bryan welcomed the new Board members and congratulated the Board members who were reappointed. She thanked the Board for their hard work and dedication to the public during the pandemic.

Dr. Allison-Bryan reported on DHP's efforts during the pandemic and commented on operations, customer service, and technology operations. She stated that DHP staff has been able to telework effectively during the pandemic. She said that staff will return to the building on January 3, 2022, but will be offered a more robust telework policy.

Dr. Allison-Bryan reported on the current statistics of the COVID-19 vaccines and reported that adults in the Commonwealth were 85% vaccinated.

Dr. Allison-Bryan spoke to the Governor's Executive Order 77 to eliminate most single-use plastics at state agencies and waste sent to landfills by 2025.

With no questions, Dr. Allison-Bryan concluded her report.

PRESENTATION

Dr. Shobo provided the 2021 Workforce Reports for Nursing Home Administrators and Assisted Living Facility Administrators.

The Board discussed the workforce reports and requested the Healthcare Workforce Data Center (HWDC) to provide additional information regarding voluntary unemployment and administrators leaving the workforce. Ms. Tillman Wolf stated that a separate survey could be distributed to licensees at the 2022 renewal with assistance from the HWDC.

Dr. Allison-Bryan commented on the importance of mental health services and a recent communication to licensees from the Board of Medicine. Dr. Allison-Bryan suggested the Board may wish to consider including this information on any disseminated emails.

Upon a **MOTION** by Ms. Jackson, properly seconded by Mr. Davis, the Board voted to accept the 2021 Workforce Reports for Nursing Home Administrators and Assisted Living Facility Administrators as presented. The motion passed unanimously (8-0).

STAFF REPORTS

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

Ms. Tillman Wolf offered congratulations to Dr. Inker and Ms. Jackson on their reappointments to the Board.

Ms. Tillman Wolf welcomed Ms. Dukes, Ms. Kirby, and Dr. Williams to the Board.

COVID Data

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of October 26, 2021 as provided by the Virginia Department of Health (VDH).

Continuity of Response and Operations

Ms. Tillman Wolf provided information to the Board members regarding the continuity of Board operations, staff teleworking, and interagency collaboration, including the Governor's Long-Term Care Task Force and Long-Term Care Staffing Workgroups. She noted that the Joint Commission on Health Care (JCHC) recently issued a study regarding Long-Term Care Staffing and Nursing Facility Care.

Impact – Licenses/Registrations Issued

Ms. Tillman Wolf reviewed the impact of licenses and registrations issued, particularly during the COVID pandemic. She noted an increase in Assisted Living Facility Administrators-in-Training, and Nursing Home Administrators-in-Training (AITs). She also noted a decrease in the number of Assisted Living Facility Administrator (ALFA) and Nursing Home Administrator (NHA) licenses.

NAB Updates

Ms. Tillman Wolf provided updates to the Board from the National Association of Long Term Care Administrator Boards (NAB) Mid-Year Meeting. She noted concerns identified from state participants related to the COVID pandemic response, including workforce concerns.

Ms. Tillman Wolf reviewed information regarding updates to the NAB Domains of Practice that will become effective with the March 1, 2022 examinations. As a result of the reorganization of the Domains of Practice, there will be some changes to the CORE, NHA, RC/AL Exam Blueprints (March 2022), updates to the related study modules (February 2022), updates to the AIT Manual (January 2022), and updates to the Preceptor Modules (anticipated mid-2022).

In terms of impact on the Board, Ms. Tillman Wolf stated that the domain changes will be incorporated into the Board's AIT reporting forms to align with the AIT manual modules. The Board will also review the regulations for language consistency.

Ms. Tillman Wolf reported on the NAB Mobility Task Force's efforts to improve mobility and to decrease restrictive licensure requirements across states. She also noted that the Health Services Executive (HSE) Credential was active in 19 states, with 3 states pending, with a total of 271 total HSE's as of September 28, 2021. She reported on examination discounts for HSE applicants through the end of 2021, and noted that 24 pending applications from Virginia administrators have been received, with 8 applications approved from Virginia.

Ms. Tillman Wolf reported on the Continuing Education (CE) Registry, items on the horizon, and approval of third-party course providers for Assisted Living and Nursing Home Administration pre-licensure courses.

Ms. Tillman Wolf announced that Virginia Commonwealth University's Department of Gerontology, Assisted Living Administration Specialty Area, was awarded reaccreditation by NAB for 2021-2026. She noted that VCU was the only NAB-accredited Assisted Living program in Virginia, and only one of twelve NAB-accredited programs in the United States. She reported that VCU was first accredited in 2016; the program has resulted in the licensure of six ALFAs and two NHAs. She also reported that VCU has a 100% pass rate on the RCAL examination.

Expenditure and Revenue Summary as of June 30, 2021

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2021.

Cash Balance as of June 30, 2020	\$143,338
FY21 Revenue	\$594,745
<u>FY20 Direct & In-Direct Expenditures</u>	<u>\$472,161</u>
Cash Balance as of October 31, 2020	\$265,921

Ms. Tillman Wolf discussed a number of factors that have contributed to the growing cash balance of the Board after a number of years of low cash balances and/or deficits.

2022 Board Meeting Dates

Ms. Tillman Wolf announced the upcoming 2022 Board meeting dates.

- March 4, 2022
- June 7, 2022
- September 9, 2022
- December 9, 2022

Ms. Tillman Wolf provided reminders about meeting attendance and changes to contact information. She thanked members for all they do in support of the Board.

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of October 22, 2021, Ms. Palmatier reported the following disciplinary statistics:

- 87 Patient Care Cases
 - 1 at Informal
 - 0 at Formal
 - 22 at Enforcement
 - 64 at Probable Cause
 - 0 at APD
- 11 Non Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 2 at Enforcement
 - 8 at Probable Cause
 - 0 at APD
- 6 at Compliance

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

- Q4 2019 – 14/100
- Q1 2020 – 20/25

- Q2 2020 – 20/23
- Q3 2020 – 15/25
- Q4 2020 – 25/18
- Q1 2021 – 16/28
- Q2 2021 – 20/23
- Q3 2021 – 21/16
- Q4 2021 – 28/23

Ms. Palmatier stated that the Clearance Rate was 73% (Goal is 100%) – 22 cases received, 16 cases closed. Ms. Palmatier stated that the caseload over 250 days was 42% (Goal under 20%) with 14 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 16% with 14 cases pending over 415 days. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 71% with 5 cases closed. She reported cases closed within 415 days is 86% with 6 cases closed.

Percentage of all cases closed in 365 days

	Q3-20	Q4-20	Q1-21	Q2-21	Q3-21	Q4-21
LTCA	19.6%	44.7%	50%	35.1%	40.0%	39.5%
Agency	74.3%	75.8%	70.1%	64.0%	71.1%	68.8%

The Board discussed the disciplinary process and requested clarification on several items.

Ms. Palmatier provided information on the Probable Cause form that was recently updated.

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

Licensure Report – Sarah Georgen, Licensing and Operations Manager

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

Licensure Statistics – All Licenses

Current License Count – ALFA and NHA

ALFA	December 2020	NHA	December 2020
ALFA	672	NHA	961
ALF AIT	97	NHA AIT	75
Preceptor	197	Preceptor	217
Total ALFA	966	Total NHA	1,253

Ms. Georgen reported on the trends in license count, which continued to show relatively flat growth from Quarter 4 FY2018 to Quarter 4 FY2021.

With no questions, Ms. Georgen concluded her report.

Customer Satisfaction

Ms. Georgen reported on the customer satisfaction statistics for Quarters 1-4 FY2021. She thanked Mr. Boatwright for his excellent customer service and processing of applications. Ms. Georgen described Mr. Boatwright as helpful and reassuring to applicants based on the Customer Service Satisfaction survey results.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett did not have a report to provide.

BREAK

The Board took a break at 1:01 p.m. and returned at 1:29 p.m. for a working lunch.

COMMITTEE AND BOARD MEMBER REPORTS

Dr. Inker provided a brief summary on the recent Legislative/Regulatory Committee meetings.

LEGISLATION AND REGULATORY ACTIONS

Report on Status of Regulations

Ms. Yeatts provided an update on the regulatory actions in process.

She reported that the recommendations of the Regulatory Advisory Panel on the qualifications for licensure were still in the NOIRA stage, but would be voted upon later in the meeting.

With no questions, Ms. Yeatts concluded her report.

BOARD DISCUSSIONS AND ACTIONS

Adoption of Electronic Meeting Policy

Ms. Yeatts provided an overview of the proposed Electronic Meeting Policy.

The Board discussed the Electronic Meeting Policy.

Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Jackson, the Board voted to adopt the Electronic Meeting Policy as presented. The motion carried (8-0).

Consideration of Recommendations from Legislative/Regulatory Committee and Adoption of Proposed Regulations for the Administrator-in-Training Program (18VAC95-20-10 et seq., and 18VAC95-30-10 et seq.)

Ms. Yeatts provided an overview of the recommendations from Legislative/Regulatory Committee and the proposed Regulations for the Administrator-in-Training Program (18VAC95-20-10 et seq., and 18VAC95-30-10 et seq.).

The Board discussed the recommendations from the Legislative/Regulatory Committee as presented and amended. The Board further discussed a recommendation from staff for inclusion in the proposed regulations, as well as comments received from interested parties.

Dr. Williams left the meeting at 1:58 p.m.

Mr. Davis made a **MOTION** to keep the proposed language, “*E. An AIT shall not receive credit for hours spent in performance of one's duties as an employee of a training facility,*” in the proposed amendment to 18 VAC95-20-310. The motion died for lack of a second.

The Board further discussed the staff recommendation, including the alternative of issuing guidance related to expectations for AIT training hours.

Upon a **MOTION** by Mr. Davis, properly seconded by Dr. Inker, the Board voted to exclude “*E. An AIT shall not receive credit for hours spent in performance of one's duties as an employee of a training facility,*” in the proposed amendment to 18VAC95-20-310. The motion passed unanimously (7-0: *Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*).

The Board further discussed the recommendations from the Legislative/Regulatory Committee.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Jackson, the Board voted to approve proposed Regulations for the Administrator-in-Training Program (18VAC95-20-10 et seq., and 18VAC95-30-10 et seq.) as presented and amended. The motion carried unanimously (7-0: *Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*).

Readoption of Guidance Documents 95-2, Procedures for Auditing Continuing Education and 95-4, Board Policy on the Use of Confidential Consent Agreements

Ms. Yeatts provided an overview of Guidance Document 95-2 titled “Procedures for Auditing Continuing Education” and Guidance Document 95-4 titled “Board Policy on the Use of Confidential Consent Agreements”.

Upon a **MOTION** by Dr. Inker, properly seconded by Ms. Jackson, the Board voted to reaffirm Guidance Documents 95-2, Procedures for Auditing Continuing Education and 95-4, Board Policy on the Use of Confidential Consent Agreements, as presented. The motion carried unanimously (7-0: *Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*).

Revisions to Guidance Document 95-12, Guidance for Processing Applications for Licensure: Examination, Endorsement and Reinstatement and Revisions to Guidance Document 95-13, Guidance on Completion of Continuing Education

Ms. Yeatts and Ms. Tillman Wolf provided an overview of proposed revisions to Guidance Document 95-12 titled “Guidance for Processing Applications for Licensure: Examination, Endorsement and Reinstatement” and Guidance Document 95-13 titled “Guidance on Completion of Continuing Education.” Board members discussed the interpretation of live continuing education programs to include live/remote/interactive programs beyond the confines of the pandemic (Guidance Document 95-13).

Upon a **MOTION** by Mr. Davis, properly seconded by Dr. Inker, the Board voted to adopt the revisions to Guidance Document 95-12 titled “Guidance for Processing Applications for Licensure: Examination, Endorsement and Reinstatement,” as presented and Guidance Document 95-13 titled “Guidance on Completion of Continuing Education,” as presented and amended. The motion carried unanimously (7-0: *Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*).

Repeal of Documents as Board Guidance Documents 95-1, Memorandum of Understanding with the Virginia Department of Health, Division of Licensure and Certification, and 95-10, Memorandum of Understanding with the Virginia Department of Social Services, Division of Licensing Programs on Assisted Living Facilities

Ms. Yeatts provided an overview of the repeal of Guidance Documents 95-1 titled “Memorandum of Understanding with the Virginia Department of Health, Division of Licensure and Certification,” and 95-10 titled “Memorandum of Understanding with the Virginia Department of Social Services, Division of Licensing Programs on Assisted Living Facilities”. Ms. Yeatts noted that the request of the Board was to remove these documents as Board Guidance Documents, but that the agreements themselves would remain as active Board agreements.

Upon a **MOTION** by Ms. Jackson, properly seconded by Ms. Kirby, the Board voted to repeal as a Board Guidance Document the “Memorandum of Understanding with the Virginia Department of Health, Division of Licensure and Certification” (95-1), and the “Memorandum of Understanding with the Virginia Department of Social Services, Division of Licensing Programs on Assisted Living Facilities” (95-10) as presented. The motion carried unanimously (7-0: *Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*).

ELECTIONS

Ms. Hunt stated that in accordance with the Bylaws, during the first meeting of the organizational year, the Board shall elect from its members a Chair and Vice-Chair.

Ms. Hunt provided remarks regarding the process for making additional floor nominations.

Ms. Hunt opened the floor for nominations for Chair of the Board of Long-Term Care Administrators. Mr. Davis nominated Ms. Hunt for the position of Chair, which was seconded by Ms. Jackson. The nominations were closed.

Ms. Hunt called for a voice vote for the election of the one nominee, Ms. Hunt, for the position of Chair of the Board of Long-Term Care Administrators. By unanimous vote of 7-0 (*Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*), Ms. Hunt was elected as Chair of the Board of Long-Term Care Administrators.

Ms. Hunt opened the floor for nominations for Vice-Chair of the Board of Long-Term Care Administrators. Dr. Davis nominated Ms. Jackson for the position of Vice-Chair, which was seconded by Dr. Inker. The nominations were closed.

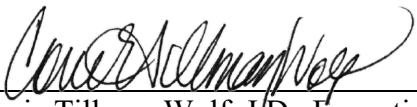
Ms. Hunt called for a voice vote for the election of the one nominee, Ms. Jackson, for the position of Vice-Chair of the Board of Long-Term Care Administrators. By unanimous vote of 7-0 (*Davis, Dukes, Faruk, Inker, Jackson, Kirby, Hunt*), Ms. Jackson was elected as Vice-Chair of the Board of Long-Term Care Administrators.

NEXT MEETING

Ms. Tillman Wolf stated, upon consultation with the Board Chair, that the December 6, 2021 Board meeting would be cancelled due to a lack of business meeting items. The next scheduled meeting date is March 4, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 2:48 p.m.



Corie Tillman Wolf, J.D., Executive Director

July 5, 2022

Date



Virginia Assisted Living Association

“Virginia’s Unified Voice for Assisted Living”

To: Virginia Board of Long-Term Care Administrators

From: Judy Hackler, Executive Director
Virginia Assisted Living Association, PO Box 71266, Henrico, VA 23255
(804) 332-2111 ~ jhackler@valainfo.org

Date: October 26, 2021

Re: Public Comments – Draft Proposed Amendments to the Administrator-In-Training Regulations for Consideration to the Full Board (18 VAC 95-30-10 et seq.)

The Virginia Assisted Living Association (VALA) represents licensed assisted living communities from throughout Virginia of varying organizational structures and resident capacities. We thank the Board of Long-Term Care Administrators (Board) for considering areas of improvement to the current regulations that will support the recruitment, licensure, and retention of licensed assisted living facility administrators.

After reviewing the recently proposed changes to be considered by the Board, we have some concerns about a proposed change that was not presented for consideration to the Regulatory Advisory Panel or available for public comments previously. Below is the proposed language of concern.

- **18VAC95-30-160 – Required content of an ALF administrator-in-training program**
 - E. With the exception of an AIT who is serving as the acting administrator, an AIT shall not receive credit hours spent in performance of one’s duties as an employee of a training facility.**
 - VALA opposes this proposed language for several reasons listed below.
 - This requirement would prohibit a licensed preceptor from serving as the administrator of record for the facility where the AIT training is to occur.
 - This requirement would be very burdensome on the employment payroll and responsibilities by requiring both the AIT and the preceptor to work additional hours beyond their normal workday to achieve the required AIT hours.
 - This requirement would be very burdensome on the mental and physical well-being with the risk of burnout of the AIT and the preceptor by forcing them to work additional hours beyond their normal workday to achieve the required AIT hours, which could result in improper training.
 - This requirement eliminates the “on-the-job training” that is a blessing for those AITs that work for assisted living communities that have this option, instead of having to spend potentially \$10,000, as has been quoted to AITs previously, for an external AIT training program.
 - This requirement goes against the initiatives and programs the Governor of Virginia and other agencies have championed regarding the development of additional job training programs to help Virginia to maintain its record of being one of the best states in the nation to do business. Without adequate training programs, this will severely hurt Virginia’s assisted living businesses.
 - If the Board is trying to verify the AIT hours are being properly conducted with official administrator duties, then the Board should consider reviewing and possibly revising the reporting requirements instead of further restricting the AIT program.

We request the Board of Long-Term Care Administrators to consider the ramifications this proposed language may have on Virginia’s assisted living industry and to not place additional restrictions and burdens on properly training assisted living administrators.

Again, we thank you for your considerations to improving the current AIT regulatory process by expanding the eligibility criteria to allow for more individuals to become administrators-in-training. Please let me know if you have any questions regarding these comments.

Request for Consideration - Proposed AIT Language

1 message

Michelle Hamilton <michelle.hamilton@commonwealthsl.com>
To: "corie.wolf@dhp.virginia.gov" <corie.wolf@dhp.virginia.gov>
Cc: Earl Parker <eparker@commonwealthsl.com>, Judy Hackler <jhackler@valainfo.org>

Wed, Oct 27, 2021 at 9:53 AM

Corie E. Tillman Wolf, J.D.

Executive Director

Board of Long-Term Care Administrators.

9960 Mayland Drive
Suite 300
Richmond, 23233-1463
corie.wolf@dhp.virginia.gov

Dear Mr. Tillman,

I understand that the AIT program in Virginia is under review and that the education component is a risk of losing the ability to utilize hours of work in a non-assistant administrator role. I work for Commonwealth Senior Living as the COO and my colleague Earl Parker wrote to you earlier this morning on behalf of our 27 assisted living communities in the Commonwealth. I would like to echo his call to request further consideration of the proposed language changes in the educational component.

Having worked in multiple states throughout the country during my 32 years in senior living, the education requirement in Virginia is already burdensome and prevents qualified professionals from entering the healthcare sector as a manager of assisted living communities. Virginia's requirement already surpasses many other states with the education credentials, training hours, and the need for a credentialed preceptor. As providers we need to develop a new work force of assisted living leaders as many qualified administrators are retiring. If the non-assistant administrator hours are removed, we will likely see the interest in our sector severely affected much worse than we are experiencing today.

As a board member of the Virginia Assisted Living Association, please review the official feedback on behalf of our industry's below.

18VAC95-30-160 – Required content of an ALF administrator-in-training program E. With the exception of an AIT who is serving as the acting administrator, an AIT shall not receive credit hours spent in performance of one's duties as an employee of a training facility. – VALA opposes this proposed language for several reasons listed below.

- o This requirement would prohibit a licensed preceptor from serving as the administrator of record for the facility where the AIT training is to occur.

- o This requirement would be very burdensome on the employment payroll and responsibilities by requiring both the AIT and the preceptor to work additional hours beyond their normal workday to achieve the required AIT hours.
- o This requirement would be very burdensome on the mental and physical well-being with the risk of burnout of the AIT and the preceptor by forcing them to work additional hours beyond their normal workday to achieve the required AIT hours, which could result in improper training.
- o This requirement eliminates the "on-the-job training" that is a blessing for those AITs that work for assisted living communities that have this option, instead of having to spend potentially \$10,000, as has been quoted to AITs previously, for an external AIT training program.
- o This requirement goes against the initiatives and programs the Governor of Virginia and other agencies have championed regarding the development of additional job training programs to help Virginia to maintain its record of being one of the best states in the nation to do business. Without adequate training programs, this will severely hurt Virginia's assisted living businesses.
- o If the Board is trying to verify the AIT hours are being properly conducted with official administrator duties, then the Board should consider reviewing and possibly revising the reporting requirements instead of further restricting the AIT program.

Thank you in advance for your support. If you have any questions, please don't hesitate to contact me.

Michelle

Michelle Hamilton
Chief Operating Officer
Commonwealth Senior Living

Request for Consideration- Proposed AIT Language

1 message

Earl Parker <eparker@commonwealthsl.com>

Wed, Oct 27, 2021 at 7:17 AM

To: "corie.wolf@dhp.virginia.gov" <corie.wolf@dhp.virginia.gov>

Cc: "Judy Hackler (jhackler@valainfo.org)" <jhackler@valainfo.org>, Michelle Hamilton <michelle.hamilton@commonwealthsl.com>

Corie E. Tillman Wolf, J.D.

Executive Director

Board of Long-Term Care Administrators.

9960 Mayland Drive
Suite 300
Richmond, 23233-1463
corie.wolf@dhp.virginia.gov

Ms. Tillman,

I am writing to you today to request further consideration of the proposed language changes in the educational component of Virginia's Administrator in Training Program for Assisted Living. I have worked in the senior living industry since 1995 and am currently the CEO of Commonwealth Senior Living, operating 27 licensed assisted living communities in Virginia.

My understanding is that there is proposed language such that only hours worked when someone is designated as the "Acting Administrator" would be counted towards their educational requirement for the AIT program. Based on my 25+ years of experience managing and supporting assisted living communities, this does not seem to make sense.

When someone is working directly with and alongside a licensed administrator, they are likely to gain as much, if not more, real world education of what it takes to manage and support an assisted living community. The Acting Administrator provision is vitally important, given that there are often not enough licensed administrators, but I do not believe that only Acting Administrators should have their AIT hours counted towards the educational requirement.

I understand that the Virginia Assisted Living Association has also submitted their feedback on our industry's behalf, and I further provide that feedback below.

18VAC95-30-160 – Required content of an ALF administrator-in-training program E. With the exception of an AIT who is serving as the acting administrator, an AIT shall not receive credit hours spent in performance of one's duties as an employee of a training facility. – VALA opposes this proposed language for several reasons listed below.

- o This requirement would prohibit a licensed preceptor from serving as the administrator of record for the facility where the AIT training is to occur.

- o This requirement would be very burdensome on the employment payroll and responsibilities by requiring both the AIT and the preceptor to work additional hours beyond their normal workday to achieve the required AIT hours.

- o This requirement would be very burdensome on the mental and physical well-being with the risk of burnout of the AIT and the preceptor by forcing them to work additional hours beyond their normal workday to achieve the required AIT hours, which could result in improper training.

- o This requirement eliminates the "on-the-job training" that is a blessing for those AITs that work for assisted living communities that have this option, instead of having to spend potentially \$10,000, as has been quoted to AITs previously, for an external AIT training program.

- o This requirement goes against the initiatives and programs the Governor of Virginia and other agencies have championed regarding the development of additional job training programs to help Virginia to maintain its record of being one of the best states in the nation to do business. Without adequate training programs, this will severely hurt Virginia's assisted living businesses.

- o If the Board is trying to verify the AIT hours are being properly conducted with official administrator duties, then the Board should consider reviewing and possibly revising the reporting requirements instead of further restricting the AIT program.

I hope that you will take this into consideration, and I would be happy to discuss the matter further if you were interested.

Thank you for your consideration,

Earl Parker

Earl Parker

October 26, 2021

Corie E. Tillman Wolf, J.D.
Executive Director
Board of Long-Term Care Administrators.
9960 Mayland Drive
Suite 300
Richmond, 23233-1463
corie.wolf@dhp.virginia.gov

Dear Corie Tillman Wolf,

My name is Alice Reynolds. I am currently the regional director of Harmony Senior Services. I started my career as an administrator in the year 2000. In 2008, when Virginia began licensure, I was first in line. I am a strong proponent of senior living and quality care. Spending the last 21 years in service, I have seen many of my peers that have promoted from within. This is an industry that requires passion as much as skill.

I have recently seen four people, work within senior living while completing the AIT program. Each are now successful administrators. Not one of the candidates came from an assistant administrator position. One was an activity professional, one was a manager of a physician office, one was a nurse, and the other was a business office manager. Thou from different fields they all had a passion for serving seniors. In addition, they are strong leaders.

I have a concern that the change in the AIT requirements will debilitate an already struggling program by eliminating the ability to count working hours as part of the program. Most always hands on learning is more effective than knowledge alone. Giving both knowledge and experience in all aspects of a senior community develops a good leader.

I implore you not to adopt the following guidance to the AIT program, B. An ALF AIT shall be required to serve weekday, evening, night and weekend shifts and to receive training in all areas of an assisted living facility operation. C. An AIT shall receive credit for no more than 40 hours of training per week. E. With the exception of an AIT who is serving as the acting administrator, an AIT shall not receive credit for hours spent in performance of one's duties as an employee of a training facility. D. An ALF AIT shall complete training on the care of residents with cognitive or mental impairments, including Alzheimer's disease and dementia.

In the post pandemic world, we are struggle to retain good talent. We need to be seeking to increase our ability for human capital. Help this wonderful industry remain strong. Trust the preceptors and companies to promote willing and skilled leaders. The results are measured by the NAB testing. We need to remain an industry known for developing talent and building a career path.

Warm regards,
Alice Reynolds
Regional Director of Operations

540-529-4081

areynolds@harmonyseniorservices.com



October 20, 2021

Corie Tillman Wolf
Executive Director
Virginia Board of Long-Term Care Administrators
9960 Mayland Drive
Richmond, VA 23233

TRANSMITTED VIA EMAIL: corie.wolf@dhp.virginia.gov

Dear Director Wolf,

Thank you for accepting this letter in which I share my thoughts with you in regards to the amending of 18 VAC 95-30 Regulations Governing the Practice of Assisted Living Facility Administrators.

I recognize that the NOIRA stage is complete and the comment period ended in March, 2021. Given the dynamics relating to the pandemic, my attention was focused on ensuring the welfare of the residents under my day-to-day care. I apologize for not submitting my comments prior to the end of the comment period.

I support the Board's intent to establish additional pathways for individuals to qualify for AIT training in the assisted living setting. The assisted living profession is blessed to have so many talented and compassionate caregivers—who do not meet the Board's current educational requirements— that would welcome the opportunity to become a licensed administrator.

I support the Board's intent to establish a training course for assisted living AITs, with those training hours to count toward the total AIT program hours. I respectfully request that the Board give consideration to the fact that assisted living regulations and practices vary from state to state. As such, I believe that the training course for assisted living AITs should be based upon guidance and curriculum standards established by the Virginia Department of Social Services (VDSS). Additionally, the training course(s) developed by associations, education centers, health care professionals, etc for assisted living AITs should be approved by the VDSS to ensure consistency in educational practice and compliance with curriculum standards.

I support the Board's intent to offer continuing education credit for preceptors who supervise AITs.

Thank you for permitting me the opportunity to share my remarks with you and the Board.

Sincerely,



Irvin Land, Jr.
408 Carolanne Point Circle
Virginia Beach, VA 23462
land120462@aol.com

SEP 10 2021

September 4, 2021

Martha H. Hunt, ALFA, Chair
Board of Long-Term Care Administrators
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233-1463

Dear Ms. Hunt:

I am writing this letter in regards to the Educational and Training requirements for initial licensure of assistant living facility administrators.

I worked in various roles of long-term care for 42 years. I am retired, though will continue to be an advocate for assisted living facilities and its population. As you are aware, there is a shortage of licensed ALFA in the state due to a multitude of reasons. Licensed administrators are retiring and others are leaving due to exhaustion and fatigue secondary to the position itself. Registered nurses and licensed practical nurses are in short supply and the compounding forces of Covid with its many stressors make it difficult to find qualified candidates. I understand and concur that one would prefer to have both educated and experienced employees. However, in today's market, it is extremely difficult to find.

With that said, I am advocating to the Board to include a pool of individuals with *substantial ALF experience*, that do not meet the current educational requirements of college credits. I feel this pool of seasoned individuals with their many qualities would be a valuable source in seeking new administrators. These candidates normally are administrative assistants, general managers, etc. Some of these employees are critical thinkers, have detailed organizational skills, are effective communicators, who build relationships with residents, families, and staff alike. Most work alongside the licensed administrator in the running of the day-to-day operation of an assisted living facility.

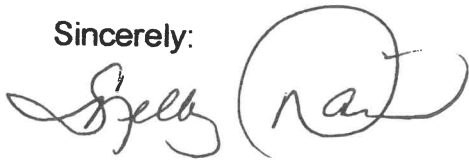
Relevant skills and experience are invaluable. The education vs. experience debate is as old as higher education itself. Being an assisted living administrator is not for the faint of heart. It requires a well-rounded person who is dedicated to the health, safety and welfare of its population.

LTCA

SEP 10 2021

In closing, I am asking the Board to sincerely consider adding *experienced based individuals* as a pathway to become administrators. If you have any questions, please feel free to contact me.

Sincerely:

A handwritten signature in cursive script, appearing to read "Shelby Davis". The signature is written in black ink on a white background.

Shelby Davis, Retired – ALFA
1030 Westwood Village Way Unit 404
Midlothian, VA 24113
540-387-2598
shelbydavis1322@gmail.com

LTCA

SEP 10 2021

Project 6286 - NOIRA

Board Of Long-Term Care Administrators

Recommendations of RAP on qualifications for licensure

Chapter 20

Regulations Governing the Practice of Nursing Home Administrators

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. At least two hours of continuing education for each renewal year shall relate to the care of residents with mental or cognitive impairments, including Alzheimer's disease and dementia.

4. A licensee who serves as the registered preceptor in an approved AIT or Assisted Living Facility AIT program may receive one hour of continuing education credit for each week of training up to a maximum of 10 hours of self-study course credit for each renewal year.

~~3.~~ 5. 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 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 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.

18VAC95-20-310. Required hours of training.

A. The AIT program shall consist of 2,000 hours of continuous training in a facility as prescribed in 18VAC95-20-330 to be completed within 24 months. 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 and C of this section.

B. An AIT applicant with prior health care work experience may request approval to receive a maximum 1,000 hours of credit toward the total 2,000 hours as follows:

1. The applicant shall have been employed full time for four of the past five consecutive years immediately prior to application as an assistant administrator or director of nursing in a training facility as prescribed in 18VAC95-20-330, or as the licensed administrator of an assisted living facility;

2. The applicant with experience as a hospital administrator shall have been employed full time for three of the past five years immediately prior to application as a hospital administrator-of-record or an assistant hospital administrator in a hospital setting having responsibilities in all of the following areas:

- a. Regulatory;
- b. Fiscal;
- c. Supervisory;
- d. Personnel; and
- e. Management; or

3. The applicant who holds a license as a registered nurse shall have held an administrative level supervisory position for at least four of the past five consecutive years, in a training facility as prescribed in 18VAC95-20-330.

C. An AIT applicant with the following educational qualifications shall meet these requirements:

1. An applicant with a master's or a baccalaureate degree in a health care-related field that meets the requirements of 18VAC95-20-221 with no internship shall complete 320 hours in an AIT program;

2. An applicant with a master's degree in a field other than health care shall complete 1,000 hours in an AIT program;

3. An applicant with a baccalaureate degree in a field other than health care shall complete 1,500 hours in an AIT program; or

4. An applicant with 60 semester hours of education in an accredited college or university shall complete 2,000 hours in an AIT program.

D. An AIT shall be required to serve weekday, evening, night and weekend shifts and to receive training in all areas of nursing home operation. An AIT shall receive credit for no more than 40 hours of training per week.

E. An AIT shall complete training on the care of residents with cognitive or mental impairments, including Alzheimer's disease and dementia.

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 for on-site supervision 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.

18VAC95-20-390. 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 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~~ as outlined in the NAB AIT Manual.

18VAC95-20-400. Reporting requirements.

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training. The preceptor shall document in the progress report evidence of on-site supervision of the AIT training.

B. The AIT's ~~certificate~~ final report of completion ~~plus~~ with the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the AIT program.

Chapter 30

Regulations Governing the Practice of Assisted Living Facility Administrators

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. At least two hours of continuing education for each renewal year shall relate to the care of residents with mental or cognitive impairments, including Alzheimer's disease and dementia.

4. A licensee who serves as the registered preceptor in an approved ALF AIT program may receive one hour of continuing education credit for each week of training up to a maximum of 10 hours of self-study course credit for each renewal year.

~~3.~~ 5. 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 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.

18VAC95-30-100. 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 of postsecondary education in an accredited college or university ~~in any subject~~ with at least 15 of the 30 semester hours in business or human services or a combination thereof 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 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

g. Have at least three years of health care experience, to include at least one consecutive year in a managerial or supervisory role, in a health care setting within the five years prior to application and 640 hours in an ALF AIT program. For purposes of this qualification, these definitions shall apply: (i) "health care experience" means full-time equivalency experience in providing care to residents or patients in a health care setting; (ii) "health care setting" means a licensed home health organization, licensed hospice program, licensed hospital or nursing home, licensed assisted living facility, licensed adult day program, or licensed mental health or developmental services facility; and (iii) "managerial or supervisory role" means an employment role that includes management responsibility and supervision of two or more staff.

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 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. Customer care, supports, and services;
2. Human resources;
3. Finance;
4. Environment;
5. Leadership and management.

18VAC95-30-160. Required content of an ALF administrator-in-training program.

A. Prior to the beginning of the training 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 include the tasks and the knowledge and skills required to complete those tasks as approved by NAB as the domains of practice for residential care/assisted living in effect at the time the training is being provided. An AIT program shall include training in each of the learning areas ~~in the domains of practice~~ as outlined in the NAB AIT Manual.

B. An ALF AIT shall be required to serve weekday, evening, night and weekend shifts and to receive training in all areas of an assisted living facility operation.

C. An AIT shall receive credit for no more than 40 hours of training per week.

D. An ALF AIT shall complete training on the care of residents with cognitive or mental impairments, including Alzheimer's disease and dementia.

18VAC95-30-170. Training facilities.

A. Training in an ALF AIT program or for an internship 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 in an ALF AIT program or for an internship shall not be conducted in:

1. A new ALF AIT program or internship shall not be conducted in a An assisted living facility with a provisional license as determined by the Department of Social Services in which the AIT program is a new ALF AIT program-;

2. An assisted living facility with a conditional license as determined by the Department of Social Services in which the AIT applicant is the owner of the facility;

3. A facility that is licensed as residential only and does not require an administrator licensed by the Board of Long-Term Care Administrators; or

4. An assisted living facility with a licensed resident capacity of less than 20 residents.

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 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;
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~~ for on-site supervision of 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 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~~ a written agreement with a training facility for a preceptorship; and
2. Meet the renewal requirements of 18VAC95-30-60.

18VAC95-30-190. Reporting requirements.

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training. The preceptor shall document in the progress report evidence of on-site supervision of the AIT training. For a person who is serving as an acting administrator while in an ALF AIT program, the preceptor shall include in the progress report evidence of face-to-face instruction and review for a minimum of ~~two~~ four hours per week.

B. The trainee's ~~certification~~ final report of completion ~~plus~~ with the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the program.