

The Virginia Board of Long-Term Care Administrators convened for a full board meeting on Friday, September 29, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jenny Inker, Ph.D., ALFA, Chair
Kimberly Brathwaite, ALFA
Mitchell Davis, NHA
Pamela Dukes, MBA, Citizen Member
Ali Faruk, MPA, Citizen Member
Ann Williams, Ed.D., Citizen Member

BOARD MEMBERS NOT PRESENT:

Lisa Kirby, NHA, Vice-Chair
Martha Hunt, ALFA
Ashley Jackson, NHA, MBA

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, J.D., Director of Legislative and Regulatory Affairs
Sarah Georgen, Licensing and Operations Supervisor
Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center
Arne W. Owens, Agency Director
Matt Novak, Policy Analyst
Melanie Pagano, JD, Deputy Executive Director
M. Brent Saunders, Senior Assistant Attorney General
Corie E. Tillman Wolf, JD, Executive Director
Heather Wright, Senior Licensing Program Coordinator

OTHER GUESTS PRESENT

Brandie French, Commonwealth Senior Living
Judy Hackler, Virginia Assisted Living Association
Michelle Hamilton, Commonwealth Senior Living
Kimberly Hurt, Commonwealth Senior Living
Margaret Noel, Commonwealth Senior Living
Dana Parsons, LeadingAge Virginia
April Payne, Virginia Health Care Association/Virginia Center for Assisted Living

CALL TO ORDER

Dr. Inker called the meeting to order at 10:02 a.m. and asked the Board members and staff to introduce themselves.

With six board 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.

Dr. Inker 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

Dr. Inker opened the floor to any edits or corrections regarding the draft minutes for the Board meeting held on March 7, 2023, and Telephonic Conferences held on May 10, 2023, and May 22, 2023. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Upon a **MOTION** by Mr. Davis properly seconded by Dr. Williams, the Board voted to accept the agenda as presented. The motion passed unanimously (6-0).

PUBLIC COMMENT

Judy Hackler, Virginia Assisted Living Association, provided comment regarding the Board's Notice of Intended Regulatory Action (NOIRA) of regulatory reductions related to the practice of Nursing Home Administrators and Assisted Living Facility Administrators. Ms. Hackler stated that the Regulatory Town Hall website was not clear that both the NHA and ALFA regulations were available for public comment related to amendments. She requested that future public notification is distributed by the Board. Ms. Hackler also commented on the workforce shortage of licensees and the shortage of publicly-available preceptors. She requested a separate Regulatory Advisory Panel meeting to review proposed regulatory reductions further. She said that she looked forward to participating on the Assisted Living Administrator-in-Training Resources and Support Workgroup.

Michelle Hamilton, Chief Operating Officer, Commonwealth Senior Living, provided comment regarding the National Association of Long Term Care Administrator Boards (NAB) examination requirements. She stated that Administrators-in-Training (AITs) are having difficulty passing the exam. She stated that she believed that the NAB changes to the examination in July 2022 are hindering the passage of the examination, therefore effecting workforce issues and resident management in the facilities that she oversees.

Brandie French, Regional Vice President, Commonwealth Senior Living, stated that she is a registered Preceptor and shares the concerns of Ms. Hamilton. Ms. French read a statement from an anonymous AIT

providing concerns about the examination questions, the materials used to develop exam questions, and the NAB study guides.

Margaret Noel, Commonwealth Senior Living, stated that she was a current AIT and had failed the examination twice. She reported utilizing the study guides and other resources available but was unable to interpret the score report for the general Core of Knowledge examination or the Resident Care/Assisted Living examination for future exam testing purposes.

Kimberly Hurt, Vice President of Operations, Commonwealth Senior Living, provided comment on the change to the NAB examination and requested the Board to consider a Virginia-based examination in place of the National examination. She also requested the Board to remove the examination attempt limit requirement and to extend the time available for Acting AITs to serve in an acting capacity pending exam results.

AGENCY REPORT – Arne W. Owens, Agency Director

Mr. Owens thanked the Board Members for their service and participation.

Mr. Owens acknowledged the public comment received and said that he would review the NOIRA comments for further inquiry. Mr. Owens said that he appreciated the input and role of the professional associations.

Mr. Owens spoke about the 2023 General Assembly Session and stated that DHP was preparing for the next session, focusing on the budget for the Fiscal Year 2024 to 2026 biennial years.

Mr. Owens highlighted the Virginia Health Workforce Development Authority (VHWDA) study to examine workforce issues across the Commonwealth. He stated that the VHWDA plans to release a comprehensive final report with a strategic plan for goals and objectives on recommendations to address any identified issues related to healthcare workforce shortages. He noted that data collected through DHP's Healthcare Workforce Data Center during the license renewal process was used for analysis throughout the study. He reported that a parallel study is ongoing regarding the review of workforce issues related to geographical settings.

With no questions, Mr. Owens concluded his report.

PRESENTATION

Dr. Hodgdon provided an overview of the 2023 Workforce Reports for Nursing Home Administrators and Assisted Living Facility Administrators and summarized key data findings.

The Board discussed the presentation and results of the report. Ms. Tillman Wolf stated that she would work with the Healthcare Workforce Data Center on the creation of an additional question related to professional fatigue, which would be reviewed and approved at a future board meeting.

Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Dukes, the Board voted to accept the 2023 Workforce Reports for Nursing Home Administrators and Assisted Living Facility Administrators as presented. The motion carried unanimously (6-0).

STAFF REPORTS

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

Board Updates

Ms. Tillman Wolf introduced Melanie Pagano as the Deputy Executive Director of the Board.

Ms. Tillman Wolf provided updates from the Board's March meeting, to include the development of informational flyers for AITs and Preceptors, ongoing regulatory reduction efforts, and collaborative discussions with VCU and LeadingAge Virginia regarding resources for AITs in the licensure pipeline. She also stated that VCU provides an examination preparedness course for Residential Care/Assisted Living candidates.

Ms. Tillman Wolf stated that the Board will convene an Assisted Living Administrator-in-Training Resources and Supports Workgroup to rekindle discussions between the Board and the provider associations that participated in the 2019 Regulatory Advisory Panel (RAP). She noted that there were several regulatory changes finalized in December 2022 as a result of the 2019 RAP meetings, but there were also a number of non-regulatory recommendations concerning collaboration and continued information sharing that warranted renewed and further discussion.

Ms. Tillman Wolf reported on upcoming changes to the probable cause review process and said that more information would be forthcoming.

Ms. Tillman Wolf reported that the Board had not received notification regarding board appointments but would notify the Board once information was received.

Ms. Tillman Wolf stated that the October DHP Board Member Training had been rescheduled. She said that she would keep the Board updated on any new training opportunities.

Updates – Partner Agencies

Ms. Tillman Wolf stated that she had attended the Virginia Department of Health (VDH) Infection Control Cross Collaboration Assembly meeting on September 12, 2023. She stated that representatives from the Board of Long-Term Care Administrators and the Board of Nursing were present to participate in discussions related to increased collaboration and communication across agencies and organizations, particularly regarding infection prevention and control efforts.

She also reported that there have been discussions with the Virginia Department of Social Services (DSS) to establish a main point of contact at the Board and at DSS for information about Acting AIT registrations and to clarify communication regarding the timeline or starting date for Acting AITs.

NAB Updates

Ms. Tillman Wolf reported on the National Association of Long Term Care Administrator Boards (NAB) Annual Meeting held on June 14-16, 2023, in Columbus, Ohio. She highlighted follow-up discussions at the

meeting related to the recent migration to a new examination portal. She also reported that other jurisdictions provided feedback on their current regulatory efforts and announced that 26 states have accepted the Health Services Executive (HSE) credential. She stated that NAB formed a task force specific to the mobility of administrators; Ms. Tillman Wolf has agreed to serve on the Residential Care/Assisted Living subcommittee.

Exam Scores

Ms. Tillman Wolf provided data on NAB national exam scores for a time period prior to the COVID-19 pandemic (July 2017-September 2018) compared to recent pass/fail rates (CY 2022). The data points included the averages for Virginia candidates and for all candidates nationally. She reported that, anecdotally, her understanding is that other jurisdictions that tend to have higher pass rates on the examinations typically require pre-licensure courses or other educational coursework that coincides with the Domains of Practice. Ms. Tillman Wolf said that she is currently exploring this issue further and hopes to collaborate with other states at future meetings.

Expenditure and Revenue Summary as of June 30, 2023

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2023.

2023 Board Meeting Schedule

Ms. Tillman Wolf reminded Board Members of the remaining 2023 Board meeting date of December 14, 2023.

Ms. Tillman Wolf announced the 2024 Board meeting schedule.

- March 12, 2024
- June 18, 2024
- September 17, 2024
- December 3, 2024

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

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

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

As of August 31, 2023, Ms. Pagano reported the following disciplinary statistics:

- 88 Patient Care Cases
 - 1 at Informal
 - 0 at Formal
 - 30 at Enforcement
 - 56 at Probable Cause
 - 1 at Administrative Proceedings Division

- 21 Non-Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 7 at Enforcement
 - 14 at Probable Cause
 - 0 at Administrative Proceedings Division

- 3 at Compliance

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

- | | |
|-------------------|-------------------|
| • Q2 2021 – 20/23 | • Q4 2022 – 19/17 |
| • Q3 2021 – 21/16 | • Q1 2023 – 23/39 |
| • Q4 2021 – 28/23 | • Q2 2023 – 14/22 |
| • Q1 2022 – 20/19 | • Q3 2023 – 18/23 |
| • Q2 2022 – 26/39 | • Q4 2023 – 23/18 |
| • Q3 2022 – 19/20 | |

With no questions, Ms. Pagano concluded her report.

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	Q4 – 2023	NHA	Q4 – 2023
ALFA	611	NHA	915
ALF AIT	129	NHA AIT	85
Preceptor	208	Preceptor	211
Total ALFA	948	Total NHA	1,211

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

Licensure Renewals – 2023

License	Renewed	Not Renewed	Renewed Percentage
Assisted Living Facility Administrators	546	77	87.64%
Assisted Living Facility Preceptors	182	21	89.66%
Nursing Home Administrators	791	102	88.58%

Nursing Home Preceptors	190	26	89.96%
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Incomplete Renewals - 2023

Ms. Georgen stated that fifteen licensees were audited due to incomplete renewal requirements. She reported that fourteen licensees were found to be in compliance and one licensee was referred for further disciplinary review.

Updated Applications & Renewals – 2023

Ms. Georgen provided an update on the Preceptor Directory on the Board’s website. It provides a list of volunteered contact information of Preceptors in Virginia. She stated that information was added to the renewal and initial application for Preceptors inquiring about adding their information to the directory. Ms. Georgen reported that the number of Preceptors who have volunteered their information for public dissemination has doubled since 2021 when these changes were implemented.

On the Horizon

Ms. Georgen provided information to the Board on the implementation of automated email notifications to applicants and licensees throughout the application process for streamlining purposes. She said that more information would be provided at the time this project was completed.

Ms. Georgen stated that paper and online applications would be updated in the next several months to improve formatting, conciseness, clarity, and would be more user-friendly.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information on the existing policy regarding compliance with the 30-day requirement to submit Expense Reimbursement Vouchers. She stated that all agencies were required to adhere to these regulations, and there would be no exceptions to this policy in the future.

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

Board of Health Professions Report – Mitch Davis, NHA

Mr. Davis did not have a report to provide.

BREAK

The Board took a break at 11:40 a.m. and returned at 11:48 a.m.

LEGISLATION AND REGULATORY ACTIONS

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

Mr. Novak provided an update on pending regulatory actions.

With no questions, Mr. Novak concluded his report.

BOARD DISCUSSION AND ACTIONS

Initiation of the Periodic Review of Public Participation Guidelines (18VAC95-11-10 et seq.)

Mr. Novak stated that agencies are required to conduct periodic reviews of regulatory chapters every four years. Mr. Novak provided a brief overview of the public participation guidelines.

Upon a **MOTION** by Ms. Dukes, properly seconded by Dr. Williams, the Board voted to initiate a periodic review of the Public Participation Guidelines (18VAC95-11-10 et seq.) as presented. The motion passed unanimously (6-0).

Consideration and Adoption of Proposed Amendments - Regulatory Reduction of Board Regulations Governing Nursing Home Administrators (18VAC95-20-10 et seq.)

Mr. Novak provided an overview of the proposed regulations governing the practice of Nursing Home Administrators. Mr. Novak noted that the language for the proposed amendments is based upon the regulatory provisions and language identified for reduction by the Board's Legislative/Regulatory Committee and the specific areas identified in the NOIRA adopted by the Board.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Brathwaite, the Board voted to adopt the proposed regulations for 18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators as presented. The motion passed unanimously (6-0).

Consideration and Adoption of Proposed Amendments - Regulatory Reduction of Board Regulations Governing Assisted Living Facility Administrators (18VAC 95-30-10 et. seq.)

Mr. Novak provided an overview of the proposed regulations governing the practice of Assisted Living Facility Administrators.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Brathwaite, the Board voted to adopt the proposed regulations for 18VAC95-30-10 et seq., Regulations Governing the Practice of Assisted Living Facility Administrators as presented. The motion passed unanimously (6-0).

Adoption of Revisions to the Electronic Meeting Policy (§2.2-3708.3)

Mr. Novak provided an overview of proposed revisions to the electronic meeting participation policy to reflect recent updates to Virginia Code §2.2-3708.3.

Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Dukes, the Board voted to revise the policy on meetings held with electronic participation as presented. The motion passed unanimously (6-0).

Delegation of Acceptance and Signature of Consent Orders for Surrender, Suspension, and Revocation to Executive Director

Ms. Tillman Wolf provided an overview of the current practice by the Board regarding Consent Orders for surrender, suspension, and revocation. She proposed the delegation of acceptance of these types of negotiated orders to the Executive Director to save time and resources expended in convening Board members for a telephone conference call to accept or ratify the order.

Upon a **MOTION** by Mr. Faruk, properly seconded by Dr. Williams, the Board voted to delegate the acceptance and signature of Consent Orders for surrender, suspension, and revocation to the Executive Director. The motion passed unanimously (6-0).

Adoption of Guidance Document 95-1, Qualifying for Licensure: Required Content for College Coursework and Approval of Nursing Home Administrator-in-Training Training Hours

Ms. Tillman Wolf provided an overview of a proposed guidance document (1) to clarify the Board's regulations that establish the required content for coursework for a health-care related field for Nursing Home Administrator applicants and (2) to allow for Nursing Home Administrators-in-Training (AITs) to complete training hours concurrently with the completion of their degree program.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Brathwaite, the Board voted to adopt Guidance Document 95-1, Qualifying for Licensure: Required Content for College Coursework and Approval of Nursing Home Administrator-in-Training Training Hours as presented. The motion passed unanimously (6-0).

PRESENTATION

LeadingAge Virginia: New Advanced Certified Nurse Aide Curriculum Toolkit and Website Resources for AITs and Preceptors – Dana Parsons, Vice President and Legislative Counsel

Ms. Parsons provided a presentation to the Board on the New Advanced Certified Nurse Aide Curriculum Toolkit and available website resources for AITs and Preceptors.

BOARD MEMBER RECOGNITION

Dr. Inker recognized Ms. Hunt and Mr. Davis for their service and dedication to the Board of Long-Term Care Administrators from 2015 to 2023. She announced that their second term expired on June 30, 2023, and provided brief remarks on each of their incumbencies. Dr. Inker presented Mr. Davis with a plaque to recognize his service. Ms. Hunt's plaque would be sent to her by mail as she was unable to participate in the meeting.

NEXT MEETING

The next scheduled meeting date is December 14, 2023.

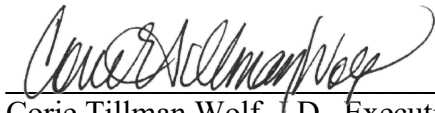
ADDITIONAL COMMENTS

Dr. Inker requested that Board Members participate in the probable cause review of disciplinary cases after the meeting if able.

Dr. Inker announced that the Board would convene an Assisted Living Administrator-in-Training Resources and Support Workgroup following the meeting with Board Members Inker, Williams, and Brathwaite participating.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:21 p.m.



Corie Tillman Wolf, J.D., Executive Director

March 15, 2024

Date