

APPROVED

Virginia Board Of Long-Term Care Administrators TASK FORCE ON LICENSING ASSISTED LIVING ADMINISTRATORS Meeting Minutes

Wednesday, September 14, 2005

Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 1

- CALL TO ORDER:** The first meeting of the Task Force was called to order at 9:40 a.m. by Mr. LeNeave, Chairperson. Mr. LeNeave advised that he was designated by the Board of Long-Term Care Administrators to serve as chairperson of the Task Force. He had Task Force members, staff and members of the audience introduce themselves then remarked on the challenge of developing regulations for licensure of assisted living facility administrators.
- PRESIDING:** Ted A. LeNeave, N.H.A. - Board of Long-Term Care Administrators (BLTCA)
- MEMBERS PRESENT:** Karen Love - Consumer Consortium on Assisted Living
Bertha Simmons, N.H.A. - BLTCA
David McHarg – VA Assisted Living Association
John Plichta – VA Association of Community Services Boards
Martha H. Hunt - BLTCA
Randy Scott – VA Association of Non-Profit Homes for the Aging
Edward Owen – VA Health Care Association
Jeffrey Hairston – VA Adult Home Association
Carolynne Stevens – Dept. of Social Services
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Elaine Yeatts, Sr. Policy Analyst
Elizabeth Carter, Ph.D., BHP Executive Director
- COUNSEL PRESENT:** Emily Wingfield, Assistant Attorney General
- QUORUM:** All ten members were present.
- PUBLIC COMMENT:** **Roy Brown** expressed concerns that minority homes are not funded to meet new requirements noting that auxiliary grants are the source of funding used for their residents. He emphasized that assisted living facilities are non-medical and are intended to provide affordable housing. He advised against adopting rules that move the facilities into the medical system and increase operating costs. He cautioned that affordable housing will be lost with the addition of the new requirements.

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Ervin Land introduced his program, the Assisted Living Credentialing Center, which is a 125 hour training program approved by the Department of Social Services. He indicated that 203 students have taken the training since 1999 with a 73% pass rate. He asked that the regulations include the Center as a source of training.

Carter Harrison addressed the Alzheimer's Association's interest in assuring that the needs of consumers are considered as the standards for licensing assisted living facility administrators are developed.

In response to a question from the audience, Ms. Reen advised that there would be a public comment opportunities at each task force meeting, during the regulatory process and at the meetings of the Board.

**REGULATION OF
ASSISTED LIVING
ADMINISTRATORS:**

Review of legislation (SB1183 & HB2512 were identical) & mandate: Ms. Yeatts reviewed the legislation that mandates licensure of Assisted Living Facility Administrators by the Board of Long-Term Care Administrators. Ms. Yeatts stated that § 54.1-3100 of the Code of Virginia was amended to include two new definitions, which are "Assisted living facility" and "Assisted living facility administrator;" § 54.1-3101 was amended to reconstitute the Board in order to include administrators of assisted living facilities and to establish staggered terms; § 54.1-3102 was amended to include assisted living facility administrators as a licensed population. She noted that administrators of assisted living facilities licensed only to provide residential living care are exempted from the licensure requirement; § 54.1-3103 was amended to limit the length of time a nursing home might operate without a licensed administrator to the period permitted by regulation of the licensing authority for the nursing home. Enactment clauses in the legislation require the Board to convene a task force to develop licensing regulations for assisted living facility administrators and to submit an initial progress report by November 1, 2005 and a follow-up progress report by November 1, 2006, to the chairmen of the Joint Commission on Health Care, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Rehabilitation and Social Services. She advised that the Board is required to complete its work and adopt final regulations for the licensure of

assisted living facility administrators to be effective on or before July 1, 2007 and that the licensure requirements must be met within 12 months of the effective date of the regulations.

Explanation of regulatory process and projected timetable for promulgation of regulations: Ms. Yeatts reviewed the stages of the regulatory process, the Pre-NOIRA, publication of NOIRA, pre-submission review, publication of proposed regulation and final adoption. She then reviewed the timetable for promulgating the regulations for Assisted Living Facility Administrators and noted that the upcoming change in Administration and the General Assembly Session will likely lengthen the amount of time needed for administrative review. She advised that the Board should adopt proposed regulations at its January 10, 2006 meeting in order to assure meeting the statutory deadline.

Review of the Regulations for Nursing Home

Administrators: Ms. Reen handed out and went over a chart on the basic licensure requirements for a nursing home administrator license. She noted that there are four options for obtaining an NHA license: degree and practical experience, a certificate program, an administrator in training program and by endorsement from another state. She also noted the requirements for a national examination, a minimum of 60 hours of college coursework, supervised experience during training and the jurisprudence examination. She also noted that the regulations address what constitutes unprofessional conduct and that the BLTCA relies on the regulations of the Department of Health for the licensure of nursing facilities to determine if a nursing home administrator should be subjected to disciplinary action.

Review of regulations in other states: Dr. Carter noted that the survey results of what other states are doing in regards to regulating assisted living administrators was included in the agenda package. She noted that there are a wide variety of approaches being implemented from state to state. She further stated that there was no nationally accepted model to follow and that Virginia had decided to implement the highest level of regulation of any profession which is licensure. She handed out and discussed information about two nationally recognized credentialing organizations:

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- the National Association of Boards of Long-Term Care Administrators (NAB) and
- the American College of Health Care Administrators (ACHCA).

**DEVELOPMENT OF
REGULATORY
LANGUAGE**

Ms. Yeatts noted that the last document in the agenda package was an initial working draft for the regulations. She went through the sections and noted the subject areas where language needs to be developed. The subject areas to be addressed in the regulations that were identified and agreed to were:

- Requirements for continuing education
- Qualification for initial licensure
- Training requirements
- Preceptors and training plans
- Provisions on unprofessional conduct
- Provisions for current administrators

Each member was asked to review the outline of regulations and to send in their individual recommendations about these subjects to staff so that a working draft document might be prepared for the next meeting. Each member was also asked to identify any information that would be needed to facilitate decisions and to identify which subject area he would like to work on if small work groups are established.

FUTURE MEETINGS

The Task Force set the dates for three additional meetings as October 24, 2005, November 21, 2005 and December 12, 2005.

ADJOURNMENT

With all business concluded, the Task Force adjourned at 11:50 a.m.

Ted LeNeave, NHA, Chairperson

Sandra K. Reen, Executive Director

Date

Date