

APPROVED

**VIRGINIA BOARD of LONG-TERM CARE ADMINISTRATORS
BOARD MEETING MINUTES**

Wednesday, August 10, 2005

**Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 3**

CALL TO ORDER:

The first meeting of the Virginia Board of Long-Term Care Administrators was called to order at 9:30 a.m. by Robert Nebiker, Director of the Department of Health Professions. Mr. Nebiker asked everyone to introduce themselves then welcomed the members and remarked on the challenges inherent in the task of developing regulations for licensure of assisted living facility administrators.

Mr. Nebiker recommended that pending the establishment of by-laws and the election of officers that Mr. LeNeave be asked to preside over this meeting and appoint a nominating committee so that the election of officers might take place at the next meeting.

On a properly seconded motion by Ms. Blunt, the Board voted to have Mr. LeNeave preside over the meeting and appoint a nominating committee.

PRESIDING:

Ted A. LeNeave, N.H.A.

MEMBERS PRESENT:

Melanie Becker
Mary Blunt, N.H.A.
Andrea L. Fricke
Martha H. Hunt
Charlotte V. McNulty, P.C.
Bertha Simmons, N.H.A.
Mary Smith, N.H.A.

MEMBERS ABSENT:

Kathleen Fletcher, R.N.

STAFF PRESENT:

Sandra K. Reen, Executive Director
Robert Nebiker, Director, DHP
Elaine Yeatts, Sr. Policy Analyst
Cheri Emma-Leigh, Operations Manager

COUNSEL PRESENT:

Howard Casway, Senior Assistant Attorney General

QUORUM:

With eight members of the Board present, a quorum was established.

PUBLIC COMMENT:

None.

APPROVAL OF MINUTES: On a properly seconded motion by Ms. Smith, the Board approved the Minutes of the Board of Nursing Home Administrators Meeting of April 20, 2005.

BOARD OF HEALTH PROFESSIONS REPORT: Ms. Smith reported briefly on the study, conducted by the Board of Health Professions (BHP) at the request of the Board of Nursing Home Administrators, on the need to regulate assisted living facility administrators. The study addressed criteria for requiring licensure and included a review of what other states are doing to regulate these administrators. The BHP recommended the introduction of legislation to license assisted living facility administrators.

REGULATION OF ASSISTED LIVING ADMINISTRATORS: **Review of legislation (SB1183 & HB2512 were identical) & mandate for licensure:** Ms. Yeatts reviewed the legislation that mandates registration of Medication Aides by the Board of Nursing, and 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.
Explanation of regulatory process and projected

timetable for promulgation of regulations: Ms. Yeatts reviewed the regulatory process beginning with the Pre-NOIRA, publication of NOIRA, pre-submission review, publication of proposed regulation and final adoption, and emphasized the amount of days allowed for public comments during each stage. She stated the process can take up to two years and anyone interested in receiving e-mail notices should sign up on the Town Hall website at www.townhall.virginia.gov. Ms. Yeatts further reviewed the timetable for promulgating regulations for Assisted Living Facility Administrators and stated that the Board must submit the first draft report to the Secretary of Health and Human Resources by October 1, 2005.

Review of regulations in other states: Ms. Yeatts advised that the "Assisted Living State Survey" conducted by the Board of Health Professions showed a wide variety of approaches to addressing assisted living facility administrators. 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.

Adoption of the Notice of Intended Regulatory Action: Ms. Yeatts reviewed the proposed NOIRA for establishing requirements for licensure and requested that the Board authorize its issuance. On a properly seconded motion by Ms. Blunt, the Board adopted the Notice of Intended Regulatory Action (NOIRA) for publication.

**TASK FORCE FOR
DEVELOPMENT OF
REGULATIONS FOR
LICENSURE OF ASSISTED
LIVING ADMINISTRATORS:**

Composition: Ms. Yeatts reported that the Board should appoint the task force as soon as possible in order to show progress in the initial report to be submitted to the Secretary by October 1, 2005. She reviewed a list of organizations and individuals who have expressed interest in the task force. Ms. Reen suggested that the Board begin by designating 3 of its members and then deciding the size of the task force and which organizations it wanted to have represented. Ms. Hunt, Ms. Simmons and Mr. LeNeave offered to represent the Board. The following organizations were identified to be represented: Virginia Assisted Living Association, Virginia Health Care Association, Virginia Association of Nonprofit Homes for the Aging, Department of Social Services, Virginia Association of Community

Services Boards and Consumer Consortium. On a properly seconded motion by Ms. McNulty, the Board appointed Ms. Hunt, Ms. Simmons and Mr. LeNeave to the task force, designated Mr. LeNeave to serve as the chair and authorized Mr. LeNeave to appoint a representative for each of the identified organizations to achieve a task force of nine members.

REGULATION OF ASSISTED LIVING FACILITIES BY THE DEPARTMENT OF SOCIAL SERVICES:

Carolynne H. Stevens, Director of the Department of Social Services' Division of Licensure, Lynne Williams, Assistant Director, and Judith McGreal, Program Development Consultant, gave a slide presentation on the history of the assisted living program in Virginia, their licensure program, the number of licensed facilities and the number and types of complaints made against the facilities. Ms. Stevens reported that DSS is working to implement the 2005 legislation and has submitted emergency regulations for administrative review that address newly mandated requirements including staffing plans and staff training.

COMMENT RECEIVED/ACTION ON NOIRA/QUALIFICATIONS FOR INITIAL LICENSURE:

Ms. Yeatts reviewed the status of the NOIRA on the educational requirements for licensure and noted the amount of work that has gone into this subject. She then recommended amendments to the draft regulations submitted by the Legislative/Regulatory Committee to omit use of the name of a degree – “a degree in health care administration.” Following discussion, the Board amended the proposed regulations at 18 VAC 95-20-220.1 and 2, 18 VAC 95-20-221, and 18 VAC 95-20-310.C to change the term “degree in health care administration” to “degree in a health care related field” and to delete the references in VAC 95-20-310.C to “a field other than health care administration.” On a properly seconded motion by Ms. Blunt, the Board decided to proceed with the regulatory process and adopted the proposed regulations as amended.

REVENUE AND EXPENDITURE ANALYSIS:

Ms. Reen reported that Board of Nursing Home Administrators ended the last biennium with a deficit of \$10,386 and that the current projections are that the Board will have a small cash balance at the end of the current biennium. Based on these projections she reported that the Board did not need to change fees. She also noted that fees for the new licensee population would be set through

the regulatory process implementing licensure.

**NEW BOARD MEMBER
TRAINING THURSDAY,
OCTOBER 27:**

Ms. Reen stated that the Department of Health Professions will provide new Board Member training on Thursday, October 27, 2005 and that it is important that all new Board Members attend.

**NOMINATING
COMMITTEE:**

Mr. LeNeave appointed Mary Blunt, Martha Hunt, Bertha Simmons and Mary Smith to serve as the Nominating Committee and asked them to bring nominations for the positions of chair and vice-chair to the next Board meeting.

BYLAWS:

Ms. Reen reviewed the current Bylaws and recommended that they be amended to reflect the needs of the current Board. On a properly seconded motion by Ms. Blunt, the Board voted 8-0 in favor of electing Ted LeNeave as Temporary Chair until there is an election at the next Board Meeting. Mr. LeNeave directed Ms. Reen to draft proposed changes to the Bylaws for the Board's review. At Ms. Blunt's suggestion, the Board agreed to use the committees and business procedures established by the Board of Nursing Home Administrators until new Bylaws have been adopted.

**SCHEDULE FOR 2005 AND
2006:**

Ms. Reen distributed the proposed 2005 and 2006 Board schedule. On a properly seconded motion by Ms. Fricke, the Board adopted the 2005 schedule to hold the first task force meeting on September 14, 2005 and to hold Board meetings on September 27 and November 29. On a properly seconded motion by Ms. Blunt, the Board adopted the 2006 schedule to hold Board meetings on January 10, April 11, July 11 and October 10.

**NEW MEMBER
ORIENTATION:**

Member's Legal Reference Handbook: Ms. Reen advised that the notebook that was sent with the agenda package provides some of the laws and regulations the members will need to work with as they address the regulatory, licensing and disciplinary functions of the Board. She noted the contents of each tab and gave a quick overview of the Board's activities and responsibilities. She stressed that all Board business must be conducted in public and offered her assistance on the information and inquiries they will be receiving.

Mr. Casway briefly discussed the roles and responsibilities of

**Virginia Board of Long-Term Care Administrators
Board Meeting
August 10, 2005**

members and cautioned that when deciding disciplinary matters, Board members should be able to give fair and impartial judgment.

Mr. Nebiker closed the orientation by stating that there is a high level of public interest in the work of the Board on licensing assisted living facility administrators and suggested that any inquiries from the media/press should be directed to Ms. Reen or to him.

ADJOURNMENT

With all business concluded, the Board adjourned at 2:25 p.m.

Ted LeNeave, NHA

Sandra K. Reen, Executive Director

Date

Date