

March 12, 2019

The Virginia Board of Long-Term Care Administrators convened for a board meeting on Tuesday, March 12, 2019 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Mitchell P. Davis, NHA, Chair
Marj Pantone, ALFA, Vice-Chair
Basil Acey, Citizen Member
Mary B. Brydon, Citizen Member
Martha H. Hunt, ALFA
Derrick Kendall, NHA
Karen Hopkins Stanfield, NHA

BOARD MEMBERS ABSENT:

Shervonne Banks, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Assistant Attorney General
Barbara Allison-Bryan, M.D. Chief Deputy Director, DHP
Sarah Georgen, Licensing and Operations Manager
Lisa Hahn, Chief Operations Officer
Lynne Helmick, Deputy Executive Director, Discipline
Corie Tillman Wolf, J.D., Executive Director
Heather Wright, Program Manager
Elaine Yeatts, Senior Policy Analyst

OTHERS PRESENT:

Dana Parsons, Leading Age Virginia
Jennifer Pryor, Virginia Commonwealth University, Department of Gerontology
Kim Small, VisualResearch, Inc.
Hannah Morier, Virginia Commonwealth University
Hailey Wilson, Virginia Commonwealth University
Katie Jones, Virginia Commonwealth University
April Payne, Virginia Health Care Association/Virginia Center for Assisted Living

QUORUM:

With seven members present at the beginning of the meeting, a quorum was established.

CALL TO ORDER

Mr. Davis called the meeting to order at 10:30 a.m. and asked the Board members and staff to introduce themselves.

Mr. Davis read the mission of the Board and reminders for the meeting.

Ms. Tillman Wolf read the Emergency Egress Procedures.

APPROVAL OF MINUTES

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Mr. Kendall, the Board voted to accept the following meeting minutes:

- Board Meeting – December 13, 2018
- Telephonic Conference – November 19, 2018

The motion passed unanimously.

ORDERING OF THE AGENDA

Upon a **MOTION** by Ms. Stanfield, and properly seconded by Ms. Hunt, the Board voted to accept the agenda as written. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

AGENCY REPORT – Lisa Hahn and Dr. Allison-Bryan

Ms. Hahn congratulated the Board on its acceptance of the Health Services Executive (HSE) credential. She announced that the National Association of Long Term Care Administrator Boards (NAB) has created a taskforce to evaluate and revise, as necessary, the Administrators-in-Training manual and preceptor training. She requested that Board members submit any suggestions to Ms. Tillman Wolf, or to herself for consideration.

Ms. Hahn discussed the Virginia examination scores, and stated that she and Ms. Tillman Wolf were researching pathways to licensure to identify ways to assist future applicants with increasing their testing scores.

Ms. Hahn provided an update of future agency website changes.

Dr. Allison-Bryan provided an update on the 2019 General Assembly, and briefly spoke about telemedicine. Dr. Allison-Bryan briefly spoke about the possible current barriers of foreign applicants obtaining licensure in Virginia and stated that DHP was reviewing ways to equalize regulations.

Dr. Allison-Bryan reported that the Board of Health Professions was reviewing criteria for a study in regards to music therapists and stated that the Board would provide a recommendation to the General Assembly in 2020 regarding possible licensure.

Dr. Allison-Bryan provided a brief overview of the Board of Pharmacy's approval of five vertical processors for CBD Oil and THC-A Oil, as well as new legislation related to designation of a registered agent to receive the CBD oil on behalf of patient.

With no further questions, Ms. Hahn and Dr. Allison-Bryan concluded their reports.

EXECUTIVE DIRECTOR'S REPORT – Corie Tillman Wolf, J.D.

Ms. Tillman Wolf welcomed the students from Virginia Commonwealth University who were observing the Board meeting.

Ms. Tillman Wolf provided the following report:

Expenditure and Revenue Summary

Cash Balance as of June 30, 2018	\$(1,418)
YTD FY19 Revenue	\$ 84,410
Less: YTD Direct and In-Direct Expenditures	\$ 319,493
Cash Balance as of January 31, 2019	\$(236,501)

NAB Updates

Ms. Tillman Wolf provided a brief review of the newly recognized Health Services Executive (HSE) credential which was included in the recent revisions of the Board's regulations for Nursing Home Administrators (18VAC95-20-10 et seq.). Ms. Tillman Wolf noted that this credential also applies to applicants by endorsement which will help facilitate mobility between jurisdictions.

Additionally, Ms. Tillman Wolf reported on the Continuing Education Registry offered by NAB, which is used by over 1,000 Virginia licensees.

Ms. Tillman Wolf shared with the Board staff planning objective for 2019 to include review of Administrator-In-Training (AIT) training and regulations by a Regulatory Advisory Panel, updates to the Memoranda of Understanding with the Department of Social Services and the Virginia Department of Health/Division of Licensure and Certification, continued dissemination of information to licensees, and continued steps to reduce the disciplinary case backlog.

Ms. Tillman Wolf provided the Licensing Report.

Assisted Living Facility Administrators - Current License Count

	December 2018	March 2019	+/-
ALFA's	660	679	19
AIT's	102	102	0
Acting AIT	4	3	-1
Total ALFA	766	784	18
Preceptors	215	220	5

Nursing Home Administrators - Current License Count

	December 2018	March 2019	+/-
NHA's	931	963	32
AIT's	88	81	-7
Total NHA	1,019	954	-65
Preceptors	238	244	6
NHA and ALFA Combined	1,785	1,828	43

Ms. Tillman Wolf reported on the trends in license count, which showed relatively flat growth from December 2013 to March 2019.

Updates – Exam Scores

Ms. Tillman Wolf stated that the previous trends reported in December 2018 related to exam scores for the NHA, CORE, and RC/AL examinations continued to be similar in overall pass/fail percentages as compared to the national averages. Ms. Tillman Wolf is analyzing preliminary data to determine whether there are any identifiable links between education, training hours, or preceptors and success on the exam. Because the numbers are only preliminary, Ms. Tillman Wolf stated that she did not wish to publish that data at this time, but that the data would be shared for the consideration of the Regulatory Advisory Panel on AITs.

Virginia Performs – Customer Service Satisfaction

- FY16 Q1 – 100%
- FY16 Q2 – 100%
- FY16 Q3 – No results
- FY16 Q4 – 100%
- FY17 Q1 – 100%
- FY17 Q2 – 100%
- FY17 Q3 – No results
- FY17 Q4 – 100%
- FY18 Q1 – 100%
- FY18 Q2 – 100%
- FY18 Q3 – 100%
- FY18 Q4 – 100%
- FY19 Q1 – 100%

Ms. Tillman Wolf reported the agency average for FY19 Q1 was 89.4%.

Licensing Updates

Ms. Tillman Wolf reported that the changes to the Board's Regulations resulting from the Periodic Review were finalized on March 6, 2019. She stated that the updated AIT Reporting forms and updates to the licensing applications were available on the Board's website.

Notes

Ms. Tillman Wolf provided reminders to the Board members regarding any updated contact information. She thanked the Board members for their assistance with scheduling requests and their dedication to the Board.

Ms. Tillman Wolf reviewed the remaining 2019 Board meeting schedule with the Board members:

- Tuesday, June 18, 2019 at 10:00 a.m. in Board Room 4
- Thursday, September 12, 2019 at 10:00 a.m. in Board Room 2
- Tuesday, December 17, 2019 at 10:00 a.m. in Board Room 4

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

DISCIPLINE REPORT – Lynne Helmick – Deputy Executive Director, Discipline

As of March 6, 2019, Ms. Helmick reported the following disciplinary statistics:

- 98 total cases
 - 4 in Formal Hearing
 - 3 in Informal Conferences
 - 39 in Investigation
 - 52 in Probable Cause (2 cases need to be scheduled for an IFC and 6+ are ready for Board member review)
 - 7 in Compliance

Ms. Helmick reported the following Virginia Performs statistics for Q1 2019:

- Clearance Rate – 41% Received 17 cases and closed 7 cases
- Pending Caseload over 250 days at 31%

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

- | | |
|-------------------|--------------------------------|
| • Q2 2017 – 12/11 | • Q3 2018 – 13/8 |
| • Q3 2017 – 9/13 | • Q4 2018 – 16/31 |
| • Q4 2017 – 18/20 | • Q1 2019 – 31/14 |
| • Q1 2018 – 15/5 | • Q2 2019 (unofficial) – 22/11 |
| • Q2 2018 – 24/8 | |

Ms. Helmick reported that the discipline team has closed 18 cases so far this quarter.

Ms. Helmick announced her retirement.

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

BOARD COUNSEL REPORT

Ms. Barrett did not provide a report.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report

Mr. Kendall noted that the Board of Health Professions report was included in the agenda packet.

LEGISLATIVE AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst

Regulatory Report – Status of Periodic Review

Ms. Yeatts noted that the proposed revisions to the Regulations Governing the Practice of Nursing Home and Assisted Living Facility Administrators resulting from the Periodic Review became effective March 6, 2019.

Legislative Report

Ms. Yeatts provided an overview of bills that could impact DHP professions and bills that would impact long-term care.

Ms. Yeatts provided the Board with information regarding a bill (HB 2228) passed in the 2019 Session of the General Assembly to rebalance the terms of members on several health regulatory boards, including the Board of Long-Term Care Administrators. Ms. Yeatts noted that no board action is required and that it was for informational purposes only.

Ms. Yeatts further reported on a recent discussion between VHCA, the Board of Pharmacy, and the Board of Long-Term Care Administrators regarding the potential impact of SB 1719 and other recent legislation related to CBD and THC-A oil on long-term care facilities.

Regulatory Advisory Panel (RAP) on Administrator-in-Training Issues – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf discussed the convening of a Regulatory Advisory Panel (RAP). A RAP is created to provide professional specialization and technical assistance to the Board to address a specific regulatory issue or when individuals indicate an interest in working with the agency on a specific regulatory issue. She stated that the Board would rely on the professional specialization and technical assistance of panelists to address the issue of Administrators-in-Training (AITs) and whether there are any improvements that can be made in the program structure and requirements or accompanying regulations. She said that the Board has also received

interest from stakeholders in working with the Board on this issue. The RAP will make recommendations to the full Board for consideration and action.

GUIDANCE DOCUMENTS – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf provided a brief explanation regarding the recommended repeal of Guidance Document 95-5: Document of Department of Health; Common understanding of definitions and terms used to identify resident mistreatment. Mr. Davis opened the floor for discussion.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Stanfield, the Board voted to repeal Guidance Document 95-5: Document of Department of Health; Common understanding of definitions and terms used to identify resident mistreatment. The vote was unanimous.

STATUS OF UPDATES TO GUIDANCE DOCUMENTS – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf provided the status of updates regarding 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.

BREAK

The Board recessed at 11:42 a.m. The Board reconvened at 11:54 a.m.

Ms. Stanfield left the Board meeting at 11:44 a.m.

PRESENTATIONS

Mr. Davis welcomed Dana Parsons from LeadingAge. Ms. Parsons provided a presentation to the Board on Dementia Friends and Grants for Advanced Practice CNAs. Leading Age, in collaboration with the Virginia Department of Aging and Rehabilitative Services, is launching Dementia Friends, one-hour session information sessions to provide information on five key messages that everyone should know about dementia. In addition, LeadingAge is currently working with the Board of Nursing to develop a training curriculum for advanced practice certified nurse aides using grant funds from CMS civil monetary penalties. After the three-year curriculum development period, grant funds will be available to fund training scholarships for CNAs.

Mr. Davis welcomed Jennifer Pryor from Virginia Commonwealth University's Department of Gerontology. Ms. Pryor provided an overview and video presentation, "Disrupt Ageism," which was developed at VCU as a means of dispelling the myths that surround aging.

Mr. Davis welcomed Kim Small from VisualResearch, Inc. Ms. Small provided a training presentation on the use of the revised Sanctioning Reference Points Worksheet.

Mr. Davis deferred the presentation on the Disciplinary Process – Jurisdiction, Procedures and Options to the next scheduled Board meeting due to time constraints.

Board members answered questions and engaged in general discussion with three students from the Assisted Living Program at VCU's Department of Gerontology.

NEXT MEETING

Mr. Davis announced the next full Board meeting will be held on June 18, 2019.

ADJOURNMENT

With all business concluded, the meeting adjourned at 1:28 p.m.



Mitchell P. Davis, NHA, Chair



Corie Tillman Wolf, J.D., Executive Director

9/27/19
Date

September 30, 2019
Date