

December 8, 2020

The Virginia Board of Long-Term Care Administrators convened virtually via WebEx for a full board meeting on Tuesday, December 8, 2020.

BOARD MEMBERS PRESENT (ALL VIRTUAL)

Mitchell P. Davis, NHA, Chair
Ali Faruk, Citizen Member
Martha H. Hunt, ALFA
Jenny Inker, ALFA
Ashley Jackson, NHA
Derrick Kendall, NHA
Marj Pantone, ALFA, Vice-Chair

BOARD MEMBERS ABSENT

Shervonne Banks, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING (ALL VIRTUAL)

Barbara Allison-Bryan, MD, DHP Deputy Director
Erin Barrett, Assistant Attorney General, Board Counsel
Trasean Boatwright, Program Manager
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT (ALL VIRTUAL)

Lauren Burnette
Jennifer Howell

CALL TO ORDER

Mr. Davis called the meeting to order at 11:00 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters as were presented on the agenda necessary for the Board to discharge its lawful purposes, duties, and responsibilities.

Mr. Davis provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Mr. Davis provided reminders to the Board and public regarding WebEx functions. He completed a roll call of the Board members and staff.

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

Mr. Davis read the mission of the Board, which is also the mission of the Department of Health Professions.

APPROVAL OF MINTUES

Upon a **MOTION** by Dr. Inker, and properly seconded by Mr. Kendall, the Board voted to accept the September 15, 2020 to November 6, 2020 minutes in block, including minutes from the Board meeting and formal hearing on September 15, 2020, and a telephonic conference on November 6, 2020. The motion passed unanimously (7-0).

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested a change to the agenda noting that Dr. Brown would not be in attendance at the meeting. Ms. Tillman Wolf stated that Dr. Allison-Bryan would provide the Agency Report.

Upon a **MOTION** by Ms. Hunt, and properly seconded by Mr. Kendall, the Board voted to accept the agenda as presented. The motion passed unanimously (7-0).

PUBLIC COMMENT

The Board did not receive any written public comment or request to provide verbal public comment.

AGENCY REPORT

Dr. Allison-Bryan provided an update on the Virginia cannabis program and the status of processors for cannabidiol oil. She also provided an update on workgroups convened related to recreational and medical marijuana.

Dr. Allison-Bryan reported on the COVID-19 vaccines, including the effectiveness, logistics, and distribution of the vaccinations to the citizens of the Commonwealth.

Mr. Kendall requested clarification on the recreational or medical marijuana use by those licensed by the Department of Health Professions and how it could impact patients. Dr. Allison-Bryan stated that best practices will be reviewed and more information would be provided.

Mr. Davis requested a timeline on the approval of recreational marijuana. Dr. Allison-Bryan said that to her knowledge, it could be between 2-4 years.

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

PRESENTATION

Dr. Allison-Bryan provided a presentation on the Health Practitioner's Monitoring Program.

Dr. Inker requested information on whether the HPMP program supports compliance with mental health assistance, and asked if stigma was associated with the HPMP program. Dr. Allison-Bryan responded and said that the HPMP program does offer support in compliance with mental health treatment, and also clarified that outreach is ongoing.

STAFF REPORTS

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

Expenditure and Revenue Summary as of September 30, 2020

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of October 31, 2020.

| | |
|--|------------------|
| Cash Balance as of June 30, 2020 | \$143,338 |
| YTD FY20 Revenue | \$ 40,075 |
| <u>Less FY20 Direct & In-Direct Expenditures</u> | <u>\$182,088</u> |
| Cash Balance as of October 31, 2020 | \$ 1,325 |

COVID Response

Ms. Tillman Wolf provided an overview of the COVID statistics provided by the Virginia Department of Health showing the disproportionate impact on long term care facilities in Virginia as of December 4, 2020.

Ms. Tillman Wolf described the interagency collaboration in response to COVID and recent meetings of task forces and workgroups including the Governor's Long-Term Care Task Force, the Virginia Department of Health (VDH) Regulatory Advisory Panel on visitation in nursing facilities and hospice, the VDH workgroup on clinical staffing in nursing facilities, and the Long-Term Care wellness workgroup.

Ms. Tillman Wolf reported on the discipline operations during the pandemic. She thanked Board members for their continued assistance in processing discipline cases during the pandemic.

Ms. Tillman Wolf stated that an email had been sent to all licensees regarding the 2020-2021 renewals and the steps taken by the Board in regard to continuing education.

Ms. Tillman Wolf provided an overview of the impact of the pandemic on licenses and registrations issued with a comparison of data from 2017 to 2020, noting a decrease YTD 2020 in Assisted Living Facility Administrators (ALFA), ALFA Preceptors, Nursing Home Administrators (NHA), and NHA Preceptors. The data indicated an overall increase in the number of NHA AITs registered in 2020, with stable registration numbers for ALFA AITs.

NAB Updates

Ms. Tillman Wolf provided information from the National Association of Long-Term Care Administrator Boards (NAB). She stated that NAB held a virtual annual meeting in October 2020. She reported nation-wide consistency with other Boards experiencing similar issues and concerns as Virginia during the pandemic.

Ms. Tillman Wolf stated that NAB has completed a Practice Analysis for Nursing Home Administrators and Assisted Living Facility Administrators to ensure that job functions for administrators are current and that examinations accurately reflect areas of competency for new licensees. She reported that the Domains of Practice will be updated and restructured, which will impact the exam blueprint for the NAB exams and likely will require some amendments to the Board's regulations where they reference the Domains.

She reported that NAB is planning to send a letter to the National Practitioners Data Bank to request that Assisted Living Administrators and Health Services Executive (HSE) licensees be added to the licensees that report disciplinary action to the databank.

Ms. Tillman Wolf reported on the Health Services Executive (HSE) credential, stating that nineteen states had adopted the credential.

Ms. Tillman Wolf stated that the NAB CE Registry has approximately 1,335 that designate Virginia for reporting (82%) as of December 2020, an increase since December 2019.

Board Meeting Dates

Ms. Tillman Wolf provided a reminder of the upcoming 2021 Board meeting dates.

- March 16, 2021
- June 15, 2021
- September 21, 2021
- December 14, 2021

Notes

Ms. Tillman Wolf provided reminders to the Board regarding quorum requirements. She reminded the Board members of the scheduled formal hearings scheduled for that day.

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of December 4, 2020, Ms. Palmatier reported the following disciplinary statistics:

- 71 Patient Care cases
 - 1 at Informal
 - 3 at Formal Hearing
 - 10 at Enforcement

- 57 at Probable Cause
- 3 at APD
- 14 Non Patient Care Cases
 - 2 at Informal
 - 0 at Formal
 - 0 at Enforcement
 - 11 at Probable Cause
- 5 cases at Compliance

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

- Q1 2019 – 13/15
- Q2 2019 – 10/11
- Q3 2019 – 9/17
- Q4 2019 – 7/12
- Q1 2020 – 26/13
- Q2 2020 – 4/12
- Q3 2020 – 13/18
- Q4 2020 – 7/6
- Q1 2021 – 16/28

Ms. Palmatier reported the following Virginia Performs statistics for Q4 2020:

- Clearance Rate – 158% Received 12 patient cases and closed 19 cases
- Pending Caseload
 - 50% - 36 cases pending over 250 days
 - 21% - 15 cases pending over 415 days
- Time to Disposition
 - 69% - 11 cases closed within 250 days
 - 81% - 13 cases closed within 415 days

Ms. Palmatier reported on the percentage of all cases closed in one year and on average days to close a case for the last five quarters.

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

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

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 |

TOTAL COMBINED

2,219

Ms. Georgen reported on the trends in license count, which continued to show relatively flat growth from December 2013 to December 2020.

Virginia Performs – Customer Service Satisfaction

- 100% Results:
 - FY16 Q1, Q2, Q4
 - FY17 Q1, Q2, Q4
 - FY18 Q1, Q2, Q3, Q4
 - FY19 Q1, Q2, Q4
 - FY20 Q1, Q2, Q3, Q4
 - FY21 Q1

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. She reminded Board members of the fully virtual formal hearings occurring later that day. She asked for the Board’s patience during the hearings.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Derrick Kendall, NHA

Mr. Kendall stated that the Board of Health Professions meeting was postponed until January 2021; therefore, he did not have a report to provide.

LEGISLATION AND REGULATORY ACTIONS

Legislation/Regulatory Updates

Ms. Tillman Wolf provided legislative and regulatory updates for the Board on behalf of Ms. Yeatts.

NEW BUSINESS

Elections

Mr. Davis stated that in accordance with the Bylaws, at the first regularly scheduled meeting of the organizational year, the Board shall elect a Chair and Vice-Chair.

Mr. Davis provided remarks regarding the process for making additional floor nominations.

Election for Chair

Mr. Davis opened the floor for nominations for Chair of the Board of Long-Term Care Administrators. Ms. Pantone nominated Mr. Kendall for position of Chair. Mr. Davis nominated Ms. Hunt for position of Chair.

Mr. Davis closed the nominations for Chair.

Mr. Davis asked for a verbal vote on the two nominations for Chair of the Board of Long-Term Care Administrators.

By majority vote of 6-0, Ms. Hunt was elected as Chair of the Board of Long-Term Care Administrators. Ms. Hunt experienced technical difficulties and was unable to provide a voice vote.

Election for Vice-Chair

Mr. Davis opened the floor for additional nominations for Vice-Chair of the Board of Long-Term Care Administrators. Mr. Kendall nominated Ms. Jackson for position of Vice-President.

Mr. Davis closed the nominations for Vice-Chair.

Upon a **MOTION** by Mr. Kendall, properly seconded by Dr. Inker, the Board voted to elect Ms. Jackson for the position of Vice-Chair of the Board of Long-Term Care Administrators.

By majority vote of 6-0, Ms. Jackson was elected as Vice-Chair of the Board of Long-Term Care Administrators. Ms. Hunt experienced technical difficulties and was unable to provide a voice vote.

NEXT MEETING

The next meeting date is March 16, 2021.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:20 p.m.

Mitchell P. Davis, NHA, Board Chair

Corie Tillman Wolf, J.D., Executive Director

Date

Date