

**APPROVED**  
**VIRGINIA BOARD OF LONG –TERM CARE ADMINISTRATORS**  
**MEETING MINUTES**

The Virginia Board of Long-Term Care Administrators convened for a board meeting on Tuesday, March 11, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 200, 2<sup>nd</sup> Floor, Conference Room #4, Richmond, Virginia.

The following Board members were present:

Ted A. LeNeave, NHA  
Martha H. Hunt  
Randy Scott  
Bertha Simmons, NHA  
Mary Smith, NHA  
Kathleen Fletcher, MSN  
Charlotte V. McNulty

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director  
Sandra Whitley Ryals, Director  
Elaine Yeatts, Senior Policy Analyst  
Annie B. Artis, Licensure Operations Manager  
Rashaun Minor, Discipline Operations Manager

Representative from the Office of the Attorney General was present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Guests present:

Beverley Sobel, VHCA  
Dana Parsons, VANHA  
Leslie Knachel, VDSS  
Steve Lambert, VDSS  
Shannon Roberson, Enforcement, DHP  
Faye Lemon, Enforcement, DHP  
Jay Douglas, Nursing, DHP  
Brenda Krohn, Nursing, DHP  
Neal Kauder, Visual Research  
Kim Langston, Visual Research

**CALLED TO ORDER**

Mr. LeNeave, Chair, called the Board meeting to order at 11:10 a.m.

## **ORDERING OF AGENDA**

The Executive Director's report was moved after New Business. The agenda was accepted as changed.

## **PUBLIC COMMENT PERIOD**

There was no public comment.

## **INTRODUCTIONS**

Mr. LeNeave introduced and welcomed Mr. Scott to the board. He then asked board members, staff and guests to introduce themselves.

## **APPROVAL OF MINUTES**

The minutes of the January 9, 2007 Credentials Committee meeting, the October 16, 2007 Board meeting and the minutes of the February 11, 2008 Legislative/Regulatory Committee meeting were accepted and approved as presented.

## **AGENCY DIRECTOR'S REPORT**

Ms. Ryals informed the Board of the budget status. She stated that even though the Department of Health Professions is a non-general fund agency and the cuts do not involve tax dollars; this does not exempt our agency from restrictions in spending. Ms. Ryals stated the restrictions will be felt mostly in the area of travel; however, in-state non-discretionary travel will not be affected; only out-of-state travel. Therefore, attending conferences that involve out-of-state travel will probably be denied. She further stated that all vacant positions must be approved by the Secretary before they can be filled.

Ms. Ryals commended Ms. Hahn for taking on additional responsibilities, especially in overseeing the compliance study. She stated Ms. Hahn's expertise stemming from her criminal justice background led to a thorough and expeditious analysis of the compliance division and has resulted in a successful re-deployment.

Ms. Ryals also explained that Ms. Hahn has now taken on a fourth board, the Board of Funeral Directors and Embalmers; this is a position which Ms. Hahn has held in the past. Ms. Ryals thanked Ms. Hahn and her staff for being excellent in assuming the responsibility for this board.

Mr. LeNeave stated that the board felt that Ms. Hahn could handle the additional responsibilities, as well as her staff. However, he stated further that if additional assistance is required in the future, he hoped the agency will give her more FTEs. Ms.

Ryals stated the timing is very good and she will be keeping a watchful eye and will give the necessary support required.

## **NEW BUSINESS**

### **Presentation by DSS regarding their survey process – Leslie Knachel & Steve Lambert**

Ms. Knachel gave a brief overview of the inspection summary process and the violation notices. She also stated that the information could be found on the Department of Social Services website, to include the actual violation, actions taken and the providers' responses. Ms. Knachel stated that DSS will be meeting with DHP to determine what inspection reports DHP would like to receive.

Mr. Lambert provided a power point presentation to the board in regard to risk assessment and adverse enforcement options. He also stated that JLARC recommended finding critical points and incorporating a point system to help determine appropriate adverse responses.

### **Sanctions Reference Study – Neal Kauder**

Mr. Kauder introduced himself and Kim Langston to the board. He stated he was hired approximately ten years ago by the Department of Health Professions to conduct an ADHOC performance study. He gave the Board an overview of the sanction reference study. Mr. Kauder outlined the steps and processes that are involved with conducting the study.

Upon a motion by Ms. Smith and seconded by Ms. McNulty the board recommended that the sanction reference study be conducted for the Board of Long-Term Care Administrators.

The members voting 'yes' were Ms. Fletcher, Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott, Ms. Simmons, and Ms. Smith. There were no negative votes.

The motion passed unanimously.

## **Break**

The Board recessed for lunch at 12:40 p.m.

## **Reconvene**

The Board reconvened at 1:00 p.m.

## **Recommendations from the Legislative and Regulatory Committee**

Ms. Yeatts gave an overview of the recommendations from the Legislative and Regulatory Committee. She stated there were concerns regarding the difficulty of small

facilities in rural areas acquiring ALFA Preceptors to supervise the assisted living facility administrators-in-training.

The board reviewed the recommendations of the Legislative and Regulatory Committee.

**18VAC95-30-95. Licensure of current administrators.**

- A. Until January 2, 2009, any person who has served in one of the following positions for the period of ~~two~~ **one** of the four years immediately preceding the ~~effective date of these regulations (January 2, 2008)~~ **application for licensure** may be licensed by the board:

The board accepted the changes and agreed unanimously to pass 18VAC95-30-95.

**18VAC95-30-150 Required hours of training.**

- B. An ALF AIT applicant with prior health care work experience may request approval to receive hours of credit toward the total hours as follows:
1. An applicant who has been employed full time for ~~two~~ **one** of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT;
  2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least ~~two~~ **one** of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT;
  3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least ~~two~~ **one** of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT.

The board accepted the changes and agreed to unanimously pass 18VAC95-30-150.

**18VAC95-30-180. Preceptors.**

- B. To be registered by the board as a preceptor, a person shall:
2. Be employed full-time as an administrator in a training facility or facilities for a minimum of ~~two~~ **one** of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and
  3. Submit an application and fee as prescribed in 18VC95-30-40. **The board may waive the application and fee for a person who is approved as a NHA preceptor.**

The board accepted the changes and agreed to unanimously pass 18VAC95-30-180B (2, and 3)

D. A preceptor may supervise no more than ~~two~~ **four** trainees at any one time, to include trainees in assisted living and nursing home administration.

Upon a motion by Ms. Simmons and seconded by Mr. LeNeave the board voted to change the number of trainees a preceptor may supervise at one time from two to four trainees.

The members voting 'yes' were Mr. LeNeave and Ms. Simmons. The members voting 'no' were Ms. Fletcher, Ms. Hunt, Mr. Scott, and Ms. Smith.

The vote failed 2 to 4.

The board did not accept the changes; therefore, the number of trainees that at preceptor may supervise at one time is two.

**18VAC95-30-40. Required fees.**

A. The applicant or licensee shall submit all fees below that apply:

2. Preceptor application	\$125 <b><u>50</u></b>
6. Preceptor renewal	\$100 <b><u>50</u></b>
8. Penalty for preceptor renewal	\$ 35 <b><u>20</u></b>
10. Preceptor reinstatement	\$150 <b><u>95</u></b>

The board accepted the changes and agreed to unanimously pass 18VAV95-30-40.

Upon a motion by Mr. Scott and seconded by Ms. Smith the board voted to submit the amended regulations under the fast track and place them under an exemption for action.

The members voting 'yes' were Ms. Fletcher, Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott, Ms. Simmons, and Ms. Smith. There were no negative votes.

The motion passed unanimously.

Upon a motion by Ms. Smith and seconded by Ms. Fletcher the board voted to reduce the preceptors fees under the nursing home administrator regulations to be in line with the preceptors fees as amended in the assisted living facility administrator regulations.

The members voting 'yes' were Ms. Fletcher, Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott, Ms. Simmons, and Ms. Smith. There were no negative votes.

The motion passed unanimously.

## **Legislative/Regulatory Report – Elaine Yeatts**

Ms. Yeatts gave a report of the 2008 General Assembly. She gave a brief overview of the bills that are currently in the house and senate. Ms. Yeatts stated there is an amendment in the Senate version of the budget which will delay enactment of medication aides until January, 2009. She stated the amendments override all other legislation.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Examination Vendor**

Ms. Hahn stated that the examination vendor, Professional Examination Services, Inc., has recently reviewed the reference material used for the Long-Term Care Administrators exam. She stated 3 applicants who received notice they failed the exam contacted the board and asked that their exams be rescored. Ms. Hahn stated, upon rescoring the exams 2 of the 3 applicants were found to have passing scores. PCS has updated the reference information on the candidate information bulletin and the problem has been resolved.

### **Licensure and Discipline Statistics**

Ms. Hahn reported there are currently 726 nursing home administrators and 208 preceptors licensed in the state of Virginia for a total of 934. She further stated there are currently 4 disciplinary cases at the enforcement level. Ms. Hahn stated during the second half of 2007, we met and exceeded our probable cause standards. The standard number of days for probable cause level is 60 days and the average number of days at probable cause level for the quarter ending in December, 2007 was 6. Ms. Hahn stated the board is now in 100% compliance; cases dropped from 26 to 6 since the last meeting. She further stated that the goal of completing 100% cases within the standard was reached. Ms. Hahn stated from July through December, 11 cases have been received and 9 cases have been closed.

### **Virginia Performs**

Ms. Hahn stated that no surveys were returned during the July through December, 2007 period; therefore, there are no statistics regarding customer satisfaction for this report. Ms. Hahn stated the percent of patient care cases closed in less than 30 days is 25%. She stated the goal for issuance of licenses within 30 days was met at 100%.

**Budget**

Ms. Hahn reported on the revenues and expenditures for the quarter ending June 30, 2007.

**2008 Calendar**

Ms. Hahn stated the next board meeting is scheduled for May 13, 2008. Subsequent meetings are scheduled for October 28, 2008 and December 16, 2008.

**ADJOURNMENT**

There being no further business before the Board, the meeting adjourned at 2:20 p.m.

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Ted A. LeNeave, NHA, Chair

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Lisa R. Hahn, Executive Director

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Date

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Date