

APPROVED MINUTES

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 14, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #3, Henrico, Virginia 23233.

The following members were present:

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

The following members were absent:

Mitchell P. Davis, NHA
Doug Nevitt, ALFA

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

Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
Dr. David E. Brown, Agency Director
Elaine Yeatts, Senior Policy Analyst
Heather Wright, Program Manager, LTC Board
Kathy Petersen, Discipline Operations Manager

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

Erin Barrett, Assistant Attorney General

Quorum:

With 7 members present, a quorum was established.

Guests Present:

Judy Hackler, VALA
Matt Mansell, VHCA
Randy Scott, Leading Age Virginia

CALLED TO ORDER

Derrick Kendall, NHA, Chair, called the Board meeting to order at 9:35 a.m.

Mr. Kendall stated the following before the first order of business:

- 1) He reminded the members to speak up as the microphones are not functioning.
- 2) Laptops were provided to the board members for the purpose of the meeting only and have no connection to the internet. The material that they are able to review on the computer is the same material that has been made available to the public.

Ms. Tillman Wolf then read the emergency egress instructions.

ORDERING OF AGENDA

Ms. Tillman Wolf asked that the training presentation from Board Counsel Erin Barrett be moved to last on the Agenda.

Upon a motion by Karen Stanfield, NHA, and properly seconded by Martha H. Hunt, ALFA, Vice-Chair, the Board voted to accept the Agenda.

ACCEPTANCE OF MINUTES

Upon a motion by Karen Stanfield, NHA and properly seconded by Marj Pantone, ALFA, the Board voted to accept the following minutes of the meetings:

- Minutes of Board Meeting – September 20, 2016
- October 17, 2016- Telephone Conference Call
- November 18, 2016- Telephone Conference Call
- January 17, 2017- Formal Hearings (2)

The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

AGENCY DIRECTOR'S REPORT- Dr. David E. Brown, Agency Director

Dr. David E. Brown, Agency Director, discussed the opioid epidemic and the impact on Virginia citizens. Dr. Brown discussed efforts that have been undertaken to combat the issue, including bills passed during the 2017 General Assembly session. The Boards of Medicine, Dentistry, and Veterinary Medicine have implemented or proposed new regulations, including limitations on prescriptions, urine testing of chronic pain patients to verify they are taking their medication, and stricter standards on the storage of opioids to prevent diversion.

EXECUTIVE DIRECTOR'S REPORT- Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf began her report with the Expenditure and Revenue Summary.

Ms. Tillman Wolf provided the following updates from the National Association of Long-Term Care Administrator Boards (NAB):

- The NAB Mid-Year Meeting was held on November 21, 2016. Corie Tillman-Wolf attended as Board Administrator and Martha Hunt attended as an RC/AL Exam Item Writer. Lisa Hahn currently serves as NAB's Chairman-Elect on the Board of Directors.
- AIT and Preceptor Training Programs: At the November meeting, NAB and the American College of Health Care Administrators (ACHCA) introduced two new training programs: the Administrator-in-Training (AIT) Program and the Preceptor Program.
- New Exam Format: NAB will release a new exam format in July 2017 and the exam will now be a multi-component test which will contain a core exam (100 scored questions) and a line of service exam – NHA (Nursing Home Administration), RC/AL (Residential Care/Assisted Living), HCBS (Home and Community Based Services) (50 scored questions).
- Health Services Executive (HSE) - NAB has introduced the new Health Services Executive (HSE) credential. Qualifications for this credential will be based upon education, experience, and examination. Some of the potential benefits promoted by NAB are that it addresses inconsistent practice standards across states, applicants are validated by NAB, increases licensure portability, and recognizes evolution of long-term care services. There are two proposed options for use of the HSE in state licensure:
 - "Licensure by Equivalency" – Upon validation by NAB that an individual meets HSE equivalency, the state can issue applicable license (pursuant to regulation).
 - HSE as a new licensure category (pursuant to statute).
- Virginia Commonwealth University (VCU) is offering an Assisted Living Baccalaureate program through the Department of Gerontology. VCU's program was recently granted conditional approval as a NAB-accredited program. VCU's program is one of 12 programs currently accredited by NAB and the only one located in the state of Virginia.

Ms. Tillman Wolf provided staff updates and a summary of planned projects for 2017.

Ms. Tillman Wolf then provided the Licensure Report:

- Ms. Tillman Wolf reported the numbers of current licensees in the State of Virginia are as follows: 78 nursing home administrators in training, 121 assisted living facility administrators in training, 632 assisted living facility administrators, 220 assisted living facility preceptors; 927 nursing home administrators and 234 nursing home preceptors.

- In 2016, the Board issued a total of 277 new licenses and registrations, and processed a total of 2,201 fees for renewals, applications, and miscellaneous fees.
- Customer Satisfaction Survey Results - Ms. Tillman Wolf provided the recent results from customer satisfaction surveys, which are sent to anyone recently licensed and the results are compiled in a quarterly survey reports. Ms. Tillman Wolf gave kudos to Heather Wright, the Board's Program Manager, as well as Laura Mueller and Vicki Saxby, who are cross-trained.
- The Board of Long Term Care Administrator's online applications are in the testing phase and should be live by mid-April. The online application process will streamline the process for applicants and staff.

Ms. Tillman Wolf provided reminders to Board members about travel approval, e-mail correspondence, and the upcoming meeting calendar.

The next board meetings are scheduled for:

- June 13, 2017
- September 12, 2017
- December 19, 2017

DISCIPLINE REPORT – Lynne H. Helmick, Deputy Executive Director for Discipline

Lynne Helmick, Deputy Executive Director, reported there are currently 68 open cases. Additionally, 44 of the cases are in the probable cause level, 3 are in the Administrative Proceedings Division (APD), 4 are at the informal stage, 2 are in the formal stage, and 15 are in investigation. The Board's clearance rate is currently 54%; the Board has received 13 cases and closed 7 cases.

Ms. Helmick reviewed discipline statistics and Key Performance Measure slides with the Board. Ms. Helmick provided a summary of the categories of cases processed by the Board in FY16 and the first two quarters of FY17.

BOARD OF HEALTH PROFESSION'S REPORT- Derrick Kendall, NHA, Chair

Derrick Kendall, NHA, Chair, reported that he attended the recent Board of Health Professions meeting where they discussed the opioid crisis, Health Practitioners Monitoring Program (HPMP), and new regulations for spa treatments such as hair removal and Botox. He reported that Virginia is one of the only states that have a workforce data collection mechanism in place, where voluntary survey data is collected at the end of the online license renewal process. He further reported on the Healthcare Occupational Roadmap created and disseminated by DHP to students who may be enrolled in technical programs or interested in pursuing healthcare careers, including careers as Nursing Home and Assisted Living Facility Administrators.

Health Practitioners Monitoring Program (HPMP)- Peggy Wood, Program Manager
Mrs. Wood provided a presentation to Board members about the Health Practitioners Monitoring Program, which provides monitoring for healthcare professionals with mental health, substance abuse, or physical impairments.

The Board recessed for a 15 minute break at 11:30 a.m.

NEW BUSINESS- Elaine Yeatts, Senior Policy Analyst

Guidance Document 95-2 - Procedures for auditing continued competency requirements - Attachment A

Ms. Yeatts explained proposed revisions to Guidance Document 95-2 regarding procedures for auditing continuing competency requirements. Following discussion of the proposed language and amendments to the language regarding the use of and proposed terms of confidential consent agreements and pre-hearing consent orders, a motion was made by Karen Stanfield and properly seconded by Marj Pantone to accept the draft language as presented and as amended and to re-adopt Guidance Document 95-2. The motion carried unanimously.

Guidance Document 95-4 - Confidential Consent Agreements – Attachment B

Ms. Yeatts explained proposed revisions to Guidance Document 95-4 regarding Confidential Consent Orders. Following discussion and review of the draft verbiage, a motion was made by Karen Stanfield and properly seconded by Martha Hunt to accept the draft language as presented and to re-adopt Guidance Document 95-4. The motion carried unanimously.

OLD BUSINESS- Elaine Yeatts, Senior Policy Analyst

Periodic review of Nursing Home Administrator and Assisted Living Facility Administrator Regulations – Consideration of Proposed Regulations

Ms. Yeatts explained that the proposed regulations for review by the Board were based upon a staff draft for the periodic review. The public comment period for the NOIRA closed on February 22, 2017, and no comments were received. She then led the Board through the review of the proposed regulations for any suggested edits, deletions, additions and revisions.

Nursing Home Administrator Regulations

- 18VAC95-20-10. Definitions.
 - Upon a motion by Karen Stanfield and properly seconded by Marj Pantone, the board voted, to define “Active Practice” as “a minimum of 1,000 hours of professional practice as a Nursing Home Administrator within the preceding 24 months.” The motion passed unanimously.

- Upon a motion by Karen Stanfield and properly seconded by Derrick Kendall, the Board voted to accept the proposed HSE definition, as amended to delete the words “licensed individual.” The motion passed unanimously.
- 18VAC95-20-80. Required fees.
 - Ms. Yeatts explained that the proposed language to be stricken regarding a shortfall assessment is no longer relevant, as this assessment has already been applied.
- 18VAC95-20-175. Continuing education requirements.
 - Ms. Yeatts explained that language has been proposed for subsection D that a request for an extension of continuing education requirements must be received in writing and granted by the board prior to the renewal date.
- 18VAC95-20-180. Late Renewal.
 - The Board made no changes to this section.
- 18VAC95-20-220. Qualifications for initial licensure.
 - Upon a motion by Karen Stanfield and properly seconded by Mary Brydon, the Board voted to accept the Health Services Executive (HSE) credential as a qualification for Virginia licensure to be added as paragraph #4 under Administrator-In-Training (#3) in licensure requirements. The motion passed unanimously.
- 18VAC95-20-221. Required content for coursework.
 - Ms. Yeatts explained that the staff proposed changing the names of the five areas of required coursework. Ms. Tillman Wolf clarified that the five areas of coursework are based upon the five Domains of Practice as used by NAB.
- 18VAC95-20-225. Qualifications for licensure by endorsement.
 - Upon a motion by Karen Stanfield and properly seconded by Marj Pantone, the board voted not to include the proposed requirement of passing the NAB NHA examination/national credentialing examination for Nursing Home Administrators who are applying to Virginia by endorsement. The motion passed unanimously.
 - Upon a motion by Karen Stanfield and properly seconded by Mary Brydon, the Board voted that an applicant be required to have engaged in “active practice” as previously defined by the Board to become licensed by endorsement in Virginia. The motion passed unanimously.
- 18 VAC95-20-230. Application package.
 - Ms. Yeatts explained the proposed inclusion of the online preceptor training course offered by NAB as a requirement for preceptor registration with the Board and the placement of the requirement in a later section. Ms. Yeatts explained the proposed addition of employer verifications as part of the application package in subparagraph C.

- 18VAC95-20-300. Administrator-in-training qualifications.
 - Ms. Yeatts explained that the proposed addition of the requirements that a *registered* preceptor provide training to an Administrator-in-Training (AIT) and that for approval as an AIT, a person shall submit the Domains of Practice form provided by the board with the application.
- 18VAC95-20-340. Supervision of trainees.
 - Upon a motion by Karen Stanfield and properly seconded by Martha Hunt, the Board voted to accept the revision to 18VAC 95-20-340, Supervision of Trainees, as read by Ms. Yeatts to include the words “as appropriate to the experience and training of the AIT and the needs of the residents in the facility” in subsection (C)(2). The motion passed unanimously.
- 18VAC95-20-380. Qualifications of preceptors.
 - Upon a motion by Karen Stanfield and properly seconded by Marj Pantone, the board voted to add the NAB Preceptor Training as a requirement for registration as a preceptor pursuant to 18VAC95-20-380, Qualifications of preceptors. The motion passed unanimously.
 - Upon a motion by Karen Stanfield and properly seconded by Marj Pantone, the Board voted to require that preceptors have current, unrestricted administrator licenses at the time of renewal, to remove the draft language requiring full time employment, and to accept the language as read by Ms. Yeatts, “to hold a current, unrestricted Virginia nursing home license and be employed by or have an agreement with a training facility for a preceptorship.” The motion passed unanimously.
- 18VAC95-20-400. Reporting requirements.
 - Board members considered revisions to regulation 18VAC95-20-400 Reporting requirements for the Administrator-In-Training program. The Board made no changes to this section.
- 18VAC95-20-430. Termination of Program.
 - Ms. Yeatts explained proposed staff changes to this section to lengthen and clarify the time frame for submission of AIT termination reports to the Board.
- 18VAC95-20-470. Unprofessional conduct.
 - Upon a motion by Karen Stanfield and properly seconded by Mary Brydon, the Board voted to adopt the proposed amendments to the regulation. The motion passed unanimously.
- 18 VAC 95-20-471. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.
 - Ms. Yeatts explained the proposed language and recommended that this section be placed in a new chapter.

- 18 VAC 95-20-472. Reinstatement following disciplinary action.
 - Ms. Yeatts explained that the proposed language for reinstatement and recommended that the language be placed in 18VAC95-20-200 regarding reinstatement of nursing home administrator license or preceptor registration.
 - Upon a motion by Karen Stanfield and properly seconded by Marj Pantone, the Board voted to adopt amendments to 18VAC95-20-471 and 18VAC95-20-472 as read and to move the sections as recommended by Ms. Yeatts. The motion passed unanimously.

Upon a motion by Karen Stanfield and properly seconded by Mary Brydon, the Board voted to adopt the proposed Nursing Home Administrator regulations, as amended. The motion passed unanimously.

The Board recessed for a 15 Minute Lunch Break at 1:30 p.m.; the Board reconvened at 1:49 p.m.

Assisted Living Facility Administrator Regulations

- 18VAC95-30-10. Definitions.
 - Ms. Yeatts explained that the definitions have been pulled from the Nursing Home Administrator Regulations. The “Active Practice” definition was previously discussed by the Board. Ms. Tillman Wolf explained that a draft definition for “Administrator of Record” paralleled the definition in the new regulations adopted by DSS.

Ms. Yeatts then focused the discussion on the proposed regulation amendments that were not previously discussed as part of the proposed amendments to the Nursing Home Administrator Regulations.

- 18 VAC 95-30-100. Educational and training requirements for initial licensure.
 - Ms. Yeatts explained the proposed changes to this section. Ms. Tillman Wolf further explained the staff rationale for the proposed change.
- 18 VAC 95-30-150. Required hours of training.
 - Upon a motion by Marj Pantone and properly seconded by Karen Stanfield, the Board voted to keep the health care work experience requirements the same as the current regulation (employment for one of the past four years). The motion passed unanimously.
- 18VAC95-30-170. Training facilities.
 - Board members discussed proposed language regarding whether an ALF AIT program can be conducted in a facility with a provisional license as issued by DSS.

- 18VAC95-30-180. Preceptors.
 - Board members discussed the use of the same language for presence at the facility as proposed for the Nursing Home Administrator regulations (subsection C). The Board members further discussed the increase of required hours of face-to-face instruction and review of the trainee's performance (subsection E).
 - Upon a motion by Marj Pantone and properly seconded by Martha Hunt, the Board voted to change the minimum number of hours a preceptor is required to spend face-to-face with an Assisted Living Facility Administrator-In-Training from 2 hours to 4 hours. The motion passed unanimously.

Upon a motion by Marj Pantone and properly seconded by Karen Stanfield, the board voted to adopt proposed Assisted Living Facility Administrator Regulations, as amended. The motion passed unanimously.

TRAINING - Erin Barrett, Assistant Attorney General

The planned training by Board counsel was postponed until the next Board meeting scheduled for June 13, 2017.

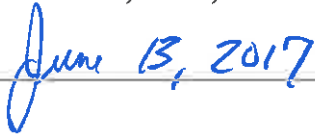
ADJOURNMENT

With all business concluded, the meeting was adjourned at 2:04 p.m.



Derrick Kendall, NHA, Chair

Date



Corie Tillman Wolf, Executive Director

Date

