

December 17, 2019

The Virginia Board of Long-Term Care Administrators convened for a board meeting on Tuesday, December 17, 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
Basil Acey, Citizen Member
Shervonne Banks, Citizen Member
Ali Faruk, Citizen Member
Martha H. Hunt, ALFA
Jenny Inker, ALFA
Ashley Jackson, NHA
Derrick Kendall, NHA

BOARD MEMBERS ABSENT

Marj Pantone, ALFA, Vice-Chair

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Assistant Attorney General
Trasean Boatwright, Licensing Specialist
David Brown, D.C., DHP Director
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, J.D., Deputy Executive Director
Corie Tillman Wolf, J.D., Executive Director
Elaine Yeatts, Senior Policy Analyst

OTHERS PRESENT

Rebekah Allen, Virginia Department of Health, Office of Licensure and Certification
Michael Capps, Virginia Department of Health, Office of Licensure and Certification
Missy Currier, Virginia Department of Social Services, Licensing
Judy Hackler, Virginia Assisted Living Association
Dana Parsons, LeadingAge Virginia
Annette Kelley, Deputy Executive Director, Board of Pharmacy
Kathy Martin, Hancock, Daniel, & Johnson P.C.
Angela Pearson, Discipline Operations Manager
Edward Richardson, Virginia Department of Social Services, Licensing
Katharine Sousa, Medical Facilities of America
Karen Stanfield, NHA

CALL TO ORDER

Mr. Davis called the meeting to order at 10:06 a.m. and asked the Board members and staff to introduce themselves.

Welcome New Board Members

Mr. Davis welcomed Jenny Inker, ALFA, Ashley Jackson, NHA, and Ali Faruk, Citizen Member, to the Board.

QUORUM

With eight members present a quorum was established.

MISSION

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 Mr. Kendall, and properly seconded by Ms. Hunt, the Board voted to accept the September 27, 2019 meeting minutes as written. The motion passed unanimously.

ORDERING OF THE AGENDA

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

PUBLIC COMMENT

Judy Hackler, Virginia Assisted Living Association (VALA), provided public comment (Attachment A).

AGENCY REPORT – Dr. David Brown, DC, Director

Dr. Brown congratulated and welcomed the new Board members.

Dr. Brown announced that DHP held Board Member Training on October 7, 2019, which was well received by participants. He stated that DHP would offer another training in the near future and more information would be provided as it becomes available.

Dr. Brown reminded the Board members that Conflict of Interest Act training was required, in accordance with § 2.2-3132, within two months after becoming a Board member and at least once during each consecutive period of two calendar years thereafter. He requested that any Board member unable to attend the training should complete the training module online at <http://ethics.dls.virginia.gov/> or contact ethics@dls.virginia.gov.

With no questions, Dr. Brown concluded his report.

PRESENTATIONS

Cannabidiol Oil and Vertical Pharmaceutical Processors – Annette Kelley, Deputy Executive Director, Board of Pharmacy

Mr. Davis welcomed Annette Kelley, Deputy Executive Director with the Board of Pharmacy to provide an overview of cannabidiol oil and requirements for vertical processors.

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

Ms. Tillman Wolf welcomed the new Board members and stated that an inclusive Board member orientation was provided on December 16, 2019. Ms. Tillman Wolf also congratulated Mr. Davis and Ms. Hunt on their reappointment to the Board.

Ms. Tillman Wolf provided the following report:

Expenditure and Revenue Summary

Cash Balance as of June 30, 2019	\$ 44,674
YTD FY20 Revenue	\$ 44,410
Less: YTD Direct and In-Direct Expenditures	\$ <u>163,331</u>
Cash Balance as of October 31, 2019	\$(74,247)

NAB Updates

Ms. Tillman Wolf reported that the National Association of Long Term Care Administrator Boards (NAB) held the Mid-Year Meeting on November 13-15, 2019. She stated that Ms. Hunt participated in the RC/AL Exam Committee, Ms. Hahn served in her second year as the NAB Chair, and that she served as the Recorder for the State Board Execs Forum.

Ms. Tillman Wolf reported on updates for the Health Services Executive (HSE) credential, the continuing education registry, and the Administrator-In-Training manual.

Staff Updates

Since the last meeting, Ms. Tillman Wolf participated in meetings of the Nursing Facility Action Committee (NFAC), Assisted Living Stakeholders, and Mental Health Task Force.

Ms. Tillman Wolf provided the following Licensing Update:

Current License Count – ALFA and NHA

ALFA	December 2019	NHA	December 2019
ALFA	671	NHA	961
ALF AIT	105	NHA AIT	73
Preceptor	213	Preceptor	232
Total ALFA	776	Total NHA	1034
TOTAL COMBINED	1,810		

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

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

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. She reminded Board members to contact Board staff if they were unable to attend a meeting to ensure the establishment of a quorum.

Ms. Tillman Wolf reviewed the 2020 Board meeting schedule with the Board members:

- Tuesday, March 24, 2020
- Tuesday, June 16, 2020
- Tuesday, September 15, 2020
- Tuesday, December 8, 2020

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

DISCIPLINE REPORT – Kelley Palmatier – Deputy Executive Director

As of December 13, 2019, Ms. Palmatier reported the following disciplinary statistics:

- 99 total cases
 - 2 in Formal Hearing
 - 0 in Informal Conferences
 - 36 in Investigation
 - 56 in Probable Cause
 - 5 at APD

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

- Q1 2018 – 15/5
- Q2 2018 – 24/8
- Q3 2018 – 13/8
- Q4 2018 – 16/31
- Q1 2019 – 31/14
- Q2 2019 – 23/6
- Q3 2019 – 23/27
- Q4 2019 – 14/100
- Q1 2020 – 20/25

Ms. Palmatier reported the following Virginia Performs statistics for Q4 2019:

- Clearance Rate – 100% Received 16 patient care cases and closed 16 cases
- Pending Caseload over 250 days at 41% was over the 20% goal which represented 33 cases

Ms. Palmatier reported on the last six quarters case information:

	Percentage of all cases closed in 1 year					
	Q4-2018	Q1-2019	Q2-2019	Q3-2019	Q4-2019	Q1-2020
LTC	29.0%	64.3%	36.4%	42.6%	64.3%	64.4%
Agency	80.6%	85.5%	84.0%	76.4%	82.3%	78.2%

	Average days to close a case					
	Q4-2018	Q1-2019	Q2-2019	Q3-2019	Q4-2019	Q1-2020
LTC	395.5	253	396.8	400	433	291
Agency	201.1	173.8	169.2	258	204	214

With no questions, Ms. Palmatier concluded her report.

BOARD COUNSEL REPORT

Ms. Barrett did not have a report.

BREAK

The Board recessed at 11:11 a.m. The Board reconvened at 11:24 a.m.

PRESENTATION

Information Regarding Approved Training Programs through NAB – Michelle Grachek, National Association of Long Term Care Administrator Boards (NAB)

Mr. Davis welcomed Michelle Grachek, National Association of Long Term Care Administrator Boards (NAB), to provide information regarding approved third-party training programs for RC/AL and NHA through NAB.

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.

NAB Mid-Year Meeting Report

Ms. Hunt provided a brief report on the NAB Mid-Year Meeting held in November 2019 and described her role on the RC/AL Examination Committee.

LEGISLATIVE AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst

Legislation and Regulation Updates

Ms. Yeatts reported on House Bill 41: *Adverse childhood experiences; Board of Medicine to adopt regulations for screening.*

Ms. Yeatts reported on the status of the fast-track regulations related to the Board handling fee. She stated that the proposed action will be published in the Virginia Register of Regulations and would potentially become effective February 6, 2020 following public comment.

Adoption of NOIRA for Administrator-In-Training Program Considerations/Recommendations of Regulatory Advisory Panel (18VAC95-20-10 et seq., 18VAC95-30-10 et seq.)

Ms. Tillman Wolf and Ms. Yeatts provided an overview of recommended action items for regulation from the Regulatory Advisory Panel on AITs.

Upon a **MOTION** by Ms. Jackson, and properly seconded by Ms. Hunt, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding continuing education for preceptors (*Regulations 18VAC 95-20-175 and 18VAC 95-30-70*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Inker, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding the minimum hour requirements for face-to-face or other on-site requirements for instruction of AITs (*Regulations 18VAC95-20-340, 18VAC 95-30-180, and 18VAC*

95-30-190) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Jackson, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding an alternative pathway to qualify as an Assisted Living Facility Administrator-In-Training based on health care experience in a managerial or supervisory role and an 80 hour course in assisted living administration (*Regulation 18VAC 95-30-100(A)(1)*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Dr. Inker, and properly seconded by Ms. Hunt, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding the modification of the current, minimum 30 hour education requirement for AIT applicants to mirror the Department of Social Services' education requirement for residential administrators (*Regulation 18VAC 95-30-100(A)(1)(a)*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Dr. Inker, and properly seconded by Ms. Banks, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding training facility requirements as they relate to the bed size of and type of facility (*Regulation 18VAC 95-30-170 (A), (B)*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Ms. Hunt, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding use of the NAB Administrator-In-Training manual by preceptors and AITs during the AIT program (*Regulations 18VAC 95-20-390 and 18VAC 95-30-160*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Dr. Inker, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding the completion of an 80-hour training course based on NAB-approved standards with credit towards training hours for NHA and ALFA AITs (*Regulations 18VAC 95-30-100, -150, -160, and -190, and 18VAC 95-20-300, -310, and -400*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Mr. Faruk, and properly seconded by Ms. Banks, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding requiring training or continuing education courses in mental health, dementia, and Alzheimer's disease (*Regulations 18VAC 95-20-175 and 18VAC 95-30-70*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

Upon a **MOTION** by Ms. Jackson, and properly seconded by Dr. Inker, the Board voted to initiate a Notice of Intended Regulatory Action (NOIRA) regarding the total amount of training hours that an AIT or an Acting AIT is permitted to work per week (*Regulations 18VAC 95-20-310 and 18VAC 95-30-160*) as discussed by the Board and presented by Ms. Yeatts and Ms. Tillman Wolf. The motion passed unanimously.

The Board discussed a petition for rulemaking received regarding whether ALF AIT hours should count toward the completion of a Nursing Home AIT program. The Board took no action.

Ms. Tillman Wolf requested to defer the discussion of applicants with barrier crimes to a future meeting.

BREAK

The Board recessed at 12:50 p.m. The Board reconvened at 1:06 p.m.

Approval of Revised Memorandum of Understanding with the Virginia Department of Health, Office of Licensure and Certification (Guidance Document 95-1)

Ms. Tillman Wolf provided a brief summary of the proposed updates to the Memorandum that currently exists between the Board and the Virginia Department of Health, Office of Licensure and Certification, and which is included in the Board's Guidance Documents as 95-1.

Upon a **MOTION** by Ms. Hunt, and properly seconded by Ms. Banks, the Board voted accept the revised Memorandum of Understanding with the Virginia Department of Health, Office of Licensure and Certification (Guidance Document 95-1). The motion passed unanimously.

Consideration of Adoption of Fast Track Regulation Related to Agency Subordinate Proceedings

Ms. Yeatts provided an overview of draft regulations related to the use of agency subordinates for informal fact-finding proceedings. Regulations relating to the use of agency subordinates are not currently included in the Board's regulations.

Upon a **MOTION** by Mr. Kendall, and properly seconded by Mr. Faruk, the Board voted to adopt new Chapter 15 Regulations Governing Delegation to an Agency Subordinate for proceedings involving both NHA and ALFA by a fast-track action as drafted and presented. The motion passed unanimously.

ELECTIONS

Mr. Davis opened the floor for nominations for Chair of the Board of Long-Term Care Administrators. Mr. Kendall nominated Mr. Davis for the position of Chair. The nominations were closed.

Upon a **MOTION** by Ms. Hunt, and properly seconded by Ms. Jackson, the Board voted to elect Mr. Davis as Chair of the Board of Long-Term Care Administrators. The motion passed unanimously.

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

Upon a **MOTION** by Dr. Inker, and properly seconded by Mr. Kendall, the Board voted to elect Ms. Pantone as Vice-Chair of the Board of Long-Term Care Administrators. The motion passed unanimously.

RECOGNITION OF BOARD MEMBER


Mr. Davis recognized Ms. Stanfield for her contributions to the Board. He presented Ms. Stanfield with a plaque and thanked her for her years of dedication to the Board.

NEXT MEETING

Mr. Davis announced the next full Board meeting will be held on March 24, 2020. He reminded the Board that the meeting will begin at 9:30 a.m. Further, he reminded the Board of Dementia Friends training to be provided by LeadingAge during lunch on that date in March.

ADJOURNMENT

With all business concluded, the meeting adjourned at 1:20 p.m.



Mitchell P. Davis, NHA, Chair



Corie Tillman Wolf, J.D., Executive Director

9/15/2020

Date

September 18, 2020

Date