

**March 7, 2023**

The Virginia Board of Long-Term Care Administrators convened for a full board meeting on Tuesday, March 7, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #4, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Jenny Inker, Ph.D., ALFA, Chair  
Lisa Kirby, NHA, Vice-Chair  
Pamela Dukes, MBA, Citizen Member  
Ali Faruk, MPA, Citizen Member  
Martha Hunt, ALFA  
Ashley Jackson, NHA, MBA  
Ann Williams, Ed.D., Citizen Member

**BOARD MEMBERS NOT PRESENT:**

Kimberly Brathwaite, ALFA  
Mitchell Davis, NHA

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Erin Barrett, J.D., Director of Legislative and Regulatory Affairs  
Sarah Georgen, Licensing and Operations Supervisor  
James Jenkins, RN, Chief Deputy  
Arne W. Owens, Agency Director  
Matt Novak, Policy Analyst  
M. Brent Saunders, Senior Assistant Attorney General  
Corie E. Tillman Wolf, J.D., Executive Director  
Florence Venable, Discipline Operations Supervisor  
Heather Wright, Senior Licensing Program Coordinator

**OTHER GUESTS PRESENT**

Victor Hudleston, Administrator-in-Training  
Dana Parsons, LeadingAge Virginia  
April Payne, Virginia Health Care Association/Virginia Center for Assisted Living

**CALL TO ORDER**

Dr. Inker called the meeting to order at 10:04 a.m. and asked the Board members and staff to introduce themselves.

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

Dr. Inker read the mission of the Board, which is also the mission of the Department of Health Professions.

Dr. Inker reminded the Board members and audience about microphones, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions. Due to the statewide tornado drill, she provided additional instructions regarding actions to be taken in the event of a tornado emergency.

### **APPROVAL OF MINUTES**

Dr. Inker opened the floor to any edits or corrections regarding the draft minutes for the Board meeting and formal administrative hearing held on September 9, 2022, a Legislative/Regulatory Committee meeting held on December 9, 2022, and a Telephonic Conference held on January 12, 2023. With no edits or corrections, the minutes were approved as presented.

### **ORDERING OF THE AGENDA**

Ms. Tillman Wolf noted that Mr. Davis was not in attendance and could not provide a report for the Board of Health Professions. Upon a **MOTION** by Ms. Williams properly seconded by Ms. Jackson, the Board voted to accept the agenda as amended. The motion passed unanimously (7-0).

### **PUBLIC COMMENT**

There was no public comment.

### **AGENCY REPORT – Arne W. Owens, Agency Director**

Mr. Owens introduced himself as the new agency Director.

Mr. Owens reported on the creation of a health workforce study to focus on the healthcare workforce and licensure in the Commonwealth.

Mr. Owens spoke briefly about the 2023 General Assembly session, which included four DHP bills. He stated that a separate budget item for an Earn to Learn grant program related to nursing education remained outstanding.

Mr. Owens stated that the DHP Enforcement Division was working with the DHP Administrative Proceedings Division to respond to complaints and disciplinary cases. He also said he was evaluating a strategic planning process for DHP to ensure greater internal function and performance. Additionally, he said the Conference Center was undergoing a technology update expected to be completed in April 2023.

Mr. Owens thanked the Board Members for their public service and for helping to accomplish DHP's public safety mission.

With no questions, Mr. Owens concluded his report.

## STAFF REPORTS

### *Executive Director's and Discipline Report – Corie E. Tillman Wolf, J.D., Executive Director*

#### *Board Updates*

Ms. Tillman Wolf welcomed Florence Venable as the new Discipline Operations Supervisor for the Board. She reported that the Deputy Executive Director position was currently in the hiring phase.

Ms. Tillman Wolf provided an overview of recent activities of the Board, including discussions with Virginia Commonwealth University (VCU) and LeadingAge Virginia related to resources available for Administrators-in-Training (AITs).

Ms. Tillman Wolf noted that the renewal process was ongoing and would end on March 31, 2023.

Ms. Tillman Wolf stated that additional information regarding the Board's regulatory reduction efforts and pending updates to licensure applications would be provided later in the agenda.

#### *Updates to Regulations*

Ms. Tillman Wolf provided an overview of the final regulations that became effective on December 21, 2022. She noted that these changes were based on Regulatory Advisory Panel meetings in 2019 and 2021 and included input from stakeholders. She noted that licensees were notified of the changes by email communication in December 2022.

#### *NAB Updates*

Ms. Tillman Wolf provided updates to the Board from the National Association of Long Term Care Administrator Boards (NAB) regarding resource materials that were updated to reflect the reorganized Domains of Practice. She also reported on NAB's migration to a new examination portal for exam candidates in November 2022. She also reported on the upcoming NAB Annual Meeting scheduled for June 14-16, 2023, in Columbus, Ohio. Ms. Tillman Wolf shared that NAB announced an increase in their annual membership dues beginning in Fiscal Year 2024.

#### *Expenditure and Revenue Summary as of June 30, 2022*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2022.

Cash Balance as of June 30, 2021	\$265,921
YTD FY22 Revenue	\$611,915
YTD FY22 Direct & In-Direct Expenditures	\$498,166
<b>Cash Balance as of June 30, 2022</b>	<b>\$379,670</b>

#### *Discipline Report*

As of January 31, 2023, Ms. Tillman Wolf reported the following disciplinary statistics:

- 75 Patient Care Cases
  - 1 at Formal
  - 30 at Enforcement
  - 44 at Probable Cause
  - 0 at APD
- 8 Non-Patient Care Cases
  - 1 at Informal
  - 0 at Formal
  - 8 at Enforcement
  - 9 at Probable Cause
  - 0 at APD
- 1 at Compliance

Ms. Tillman Wolf reported the following Total Cases Received and Closed:

- |                   |                   |
|-------------------|-------------------|
| • Q4 2020 – 25/18 | • Q2 2022 – 26/39 |
| • Q1 2021 – 16/28 | • Q3 2022 – 19/20 |
| • Q2 2021 – 20/23 | • Q4 2022 – 19/17 |
| • Q3 2021 – 21/16 | • Q1 2023 – 23/39 |
| • Q4 2021 – 28/23 | • Q2 2023 – 14/22 |
| • Q1 2022 – 20/19 |                   |

Ms. Tillman Wolf announced that Board staff has moved to sharing disciplinary files primarily through a new electronic system called “Box.” If Board members have difficulty accessing files, please contact Board staff as we are all learning this new electronic file system.

#### *2023 Board Meeting Dates*

Ms. Tillman Wolf reminded Board Members of the remaining 2023 Board meeting dates.

- June 13, 2023
- September 14, 2023
- December 14, 2023

Ms. Tillman Wolf thanked members for all they do in support of the Board.

Dr. Inker requested additional information on the NAB membership increase.

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

#### ***Licensure Report – Sarah Georgen, Licensing and Operations Manager***

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

#### *Licensure Statistics – All Licenses*

Current License Count – ALFA and NHA

ALFA	Q2 – 2023	NHA	Q2 – 2023
ALFA	654	NHA	972
ALF AIT	114	NHA AIT	97
Preceptor	216	Preceptor	223
<b>Total ALFA</b>	<b>984</b>	<b>Total NHA</b>	<b>1,292</b>

Ms. Georgen reviewed the trends of licensure counts since Q4 – 2018.

*Board Regulations Updates*

Ms. Georgen provided an overview of the Board regulations updates effective December 21, 2022, to include changes to the continuing education (CE), the AIT Program requirement, an additional pathway for ALFA licensure, and updates from the National Association of Long Term Care Administrator Boards (NAB) on the Domains of Practice, exams, and AIT resources.

Ms. Georgen stated that the Board updated their forms and FAQs based on the December 2022 updates. Further, she noted that all Board forms were updated to reflect new legislation to remove questions related to mental health conditions or impairment.

*2023 Renewals*

Ms. Georgen provided information on the 2023 renewals, including notification dates of notices to licensees.

*Customer Satisfaction*

Ms. Georgen reported on the customer satisfaction statistics for Q2 – 2022 to Q2 – 2023.

*Updates for Expense Reimbursement Vouchers*

Ms. Georgen provided information on changes to the IRS Standard Mileage Rate increase effective January 1, 2023. She provided information to the Board Members on using an optional Virginia Department of Accounts Remittance Electronic Data Interchange (REDI) system for pending deposit notifications.

With no questions, Ms. Georgen concluded her report.

**BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General**

Nothing to report.

**COMMITTEE AND BOARD MEMBER REPORTS**

Dr. Inker provided a report on the Legislative/Regulatory Committee meeting held on December 9, 2022. She reported that the Committee reviewed possible regulatory reductions and practical recommendations to the AIT reporting forms to reduce the burden on applicants.

## LEGISLATION AND REGULATORY ACTIONS

### *Report on Status of Regulations – Erin Barrett, Director of Legislative and Regulatory Affairs*

Ms. Barrett provided an update on pending regulatory actions and the status of bills of interest in the General Assembly. The Board briefly discussed these updates.

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

## BOARD DISCUSSION AND ACTIONS

### *Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations Governing Nursing Home Administrators (18VAC95-20-10 et seq.) and Assisted Living Facility Administrators (18VAC95-30-10 et seq.)*

Ms. Barrett provided an overview of the Governor’s directive regarding reducing regulations and the Legislative/Regulatory Committee’s recommendations.

Upon a **MOTION** by Ms. Hunt, properly seconded by Ms. Jackson, the Board voted to accept the Legislative/Regulatory Committee’s recommendation to initiate a NOIRA regarding the Board’s Chapter 20 and Chapter 30 Regulations (18VAC95-20-10 et seq. and 18VAC95-30-10 et seq.) as presented. The motion passed unanimously (7-0).

### *Licensee Question – “Routine Presence” of Preceptors during the COVID-19 Pandemic*

Ms. Tillman Wolf requested Board guidance regarding a licensee question about the “routine presence” requirement for a preceptor supervising the training of an assisted living facility (ALF) AIT – namely, whether the Board’s previous allowance for communication between remote preceptors and on-site AITs via video technology would still apply to satisfy the “routine presence” requirement. Ms. Tillman Wolf noted that this COVID-19 accommodation was reflected in the Board’s September 2020 minutes and posted to the Board’s website. Ms. Tillman Wolf further noted that the recent changes to the Board’s regulations in December 2022 contain language that clarifies that routine presence applies to “on-site” supervision of AITs.

After discussion, the Board stated that throughout the training experience, preceptors may augment their contact with their AITs through remote video technology, but that remote video technology cannot serve to replace the required routine presence of a preceptor for on-site supervision of the AIT’s training.

## NEXT MEETING

The next scheduled meeting date is June 13, 2023.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:15 p.m.

**PROBABLE CAUSE REVIEW**

Dr. Inker requested that all Board Members participate in the probable cause review of disciplinary cases after the meeting if they were not scheduled to attend the informal conference.



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Corie Tillman Wolf, J.D., Executive Director

October 3, 2023

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Date