

APPROVED

**VIRGINIA BOARD of NURSING HOME ADMINISTRATORS
BOARD MEETING MINUTES**

Wednesday, April 20, 2005

**Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 1**

CALL TO ORDER: A meeting of the Virginia Board of Nursing Home Administrators was called to order at 9:10 a.m.

PRESIDING: Robert N. Rector, NHA, Chair

MEMBERS PRESENT: Mary Blunt, NHA
Kathleen Fletcher, RN
Ted LeNeave, NHA
Billie Joyce Owens
Mary Smith, NHA

MEMBERS ABSENT: Janice Clark, NHA

STAFF PRESENT: Sandra K. Reen, Executive Director
Robert Nebiker, Director, DHP
Gail Jaspen, Chief Deputy Director, DHP
Elaine Yeatts, Sr. Policy Analyst
Cheri Emma-Leigh, Operations Manager

COUNSEL PRESENT: Howard Casway, Senior Assistant Attorney General

QUORUM: With six members of the Board present, a quorum was established.

PUBLIC COMMENT: On behalf of the faculty of the VCU School of Gerontology, Jason Rachel expressed appreciation of the Board's efforts to address the educational requirements for initial licensure. He emphasized the importance of gerontology as a component of the education needed for nursing home administrators. Mr. Rachel urged the Board to consider the numerous letters sent by gerontology alumni, as well as those who are currently licensed as administrators, which address the benefits of a gerontology program.

APPROVAL OF MINUTES: On a properly seconded motion by Mr. LeNeave, the Board approved the Minutes of the Public Hearing of January 19, 2005.

On a properly seconded motion by Mr. LeNeave, the Board approved the Minutes of the Board Meeting of January 19,

2005.

On a properly seconded motion by Ms. Blunt, the Board approved the Minutes of the Formal Hearing of August 23, 2004.

**BOARD OF HEALTH
PROFESSIONS REPORT:**

Ms. Smith reported that the BHP Education Committee is working on a forum called, "Up to the Job Healthcare Regulatory Process," and working on a brochure regarding Informal Conferences. Ms. Smith also reported that the legislation on assisted living requires Medication Aides to register with the Board of Nursing.

**JOINT CREDENTIALS AND
LEGISLATIVE/REGULA-
TORY COMMITTEES
REPORT:**

Proposed Guidance Document on Education Requirements for Licensure: Ms. Blunt reviewed the changes made in the proposed guidance document, Qualifying for Licensure: Required Content for College Coursework. On a properly seconded motion by Ms. Owens, the Board voted 6-0 to adopt the guidance document.

**COMMENT RECEIVED ON
NOIRA/QUALIFICATIONS
FOR INTIAL LICENSURE:**

Ms. Yeatts encouraged the Board members to review the comments related to accepting gerontology programs to meet the education requirements for licensure. The NOIRA public comment period was from January 24, 2005 through February 23, 2005. Ms. Yeatts explained that the Board might adopt proposed regulations, and it is the recommendation of the Joint Credentials and Legislative/Regulatory Committees to develop the regulations in keeping with the guidance document just adopted and to set out the five (5) required content areas in the regulations. Mr. Rector deferred this matter to the next Board meeting so that a draft might be prepared.

**REPLACEMENT OF
EMERGENCY
REGULATIONS ON
DELEGATION TO AN
AGENCY SUBORDINATE:**

Ms. Yeatts reviewed the Final Regulations for Delegation of Informal Fact-Finding to an Agency Subordinate. On a properly seconded motion by Ms. Fletcher, the Board voted 6-0 in favor of adopting the final regulation.

ADOPT NAME CHANGE:

Ms. Yeatts explained that effective July 1, 2005 the regulations and Public Participation Guidelines need to have the name of the Board changed to Board of Long-Term Care Administrators. On a properly seconded motion

by Ms. Smith, the Board voted 6-0 in favor of changing the Board's name on these documents to the Board of Long-Term Care Administrators.

Ms. Yeatts advised that the name also needs to be changed in the definition for "state examination." On a properly seconded motion by Ms. Fletcher, the Board voted 6-0 in favor of changing the name to Board of Long-Term Care Administrators.

**REPORT ON THE 2005
LEGISLATIVE SESSION:**

Ms. Yeatts provided a list of recently passed legislation affecting health professions and gave a brief overview of the following new laws:

- HB 1854 Drugs; returns, exchanges, or re-dispensing, exceptions.
- HB 2237 Practitioner Self-Referral Act; exemption.
- HB 2429 Prescription Monitoring Program; includes reporting by out-of-state dispensers.
- HB 2804 Health care practitioners; immunity for making voluntary report regarding conduct or competency.
- HB 2807 Assisted living facilities; gastric tube care to be provided for residents.

**LEGISLATION ON
ASSISTED LIVING
FACILITIES AND BOARD
OF LONG-TERM CARE
ADMINISTRATORS:**

Ms. Yeatts explained that the new law changes the name and configuration of the Board effective July 1, 2005 and requires that regulations be in effect on or before July 1, 2007 to address licensing of Assisted Living Facility Administrators. The administrators will have twelve months from the effective date of the regulations to become licensed.

Mr. Nebiker explained that the Governor will appoint the new Board for July 1, 2005 and will stagger the initial terms. The Board will have nine members, three licensed nursing home administrators, three assisted living facility administrators, two from professions concerned with the care and treatment of chronically ill and elderly patients, and one who is a resident of a nursing home or assisted living facility or a family member of a resident of a nursing home or assisted living facility. Mr. Nebiker also stated that anyone interested in being appointed should make their interest known to the Secretary of Commonwealth.

Ms. Yeatts reported that present law allows for an Assisted Living Facility Administrator to serve as the Administrator for two or more facilities and regulations will need to be developed to address the conditions that would apply when an administrator is responsible for multiple facilities. Mr. LeNeave suggested staff check with NAB as a resource when developing regulations.

FY 07 & FY 08 BUDGET:

Ms. Reen reported we are in the process of developing the FY 07 and FY 08 budget, and the Board is still in a deficit posture. Ms. Reen stated that the Board will have two full time dedicated staff to handle policy.

CLOSED SESSION:

On a properly seconded motion by Mr. LeNeave, the Board voted 6-0 in favor of entering into a closed meeting pursuant to § 2.2-3711(a)(7) of the Code of Virginia to consult with legal counsel pertaining to actual or probable litigation.

RECONVENE:

On a properly seconded motion by Mr. LeNeave, the Committee voted 6-0 in favor of the motion, that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

On a properly seconded motion by Mr. LeNeave, the Board voted 6-0 in favor of having Ms. Smith submit a new application and waiving the application fee.

ADJOURNMENT

With all business concluded, the Board adjourned at 11:10 a.m.

Ted LeNeave, NHA

Sandra K. Reen, Executive Director

Date

Date