

APPROVED

**VIRGINIA BOARD of LONG-TERM CARE ADMINISTRATORS
BOARD MEETING MINUTES**

Tuesday, January 10, 2006

**Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 3**

CALL TO ORDER: The meeting of the Virginia Board of Long-Term Care Administrators was called to order at 9:43 a.m.

PRESIDING: Ted A. LeNeave, N.H.A.

MEMBERS PRESENT: Melanie Becker
Mary Blunt, N.H.A.
Kathleen Fletcher, R.N.
Andrea L. Fricke, A.L.F.A.
Martha H. Hunt, A.L.F.A.
Charlotte V. McNulty, P.C.
Bertha Simmons, N.H.A.
Mary Smith, N.H.A.

STAFF PRESENT: Sandra K. Reen, Executive Director
Elaine Yeatts, Senior Policy Analyst
Cheri Emma-Leigh, Operations Manager
LaFonda Parham, Administrative Assistant

COUNSEL PRESENT: Emily Wingfield, Assistant Attorney General

QUORUM: All nine members of the Board were present.

PUBLIC COMMENT: **Roy Bryant** stated that he is a small business owner of an assisted living facility which relies on auxiliary grant funding. He reported his concerns about the implementation of regulations that increase the cost of operating his facility and place a hardship on small business owners. He asked how he was supposed to pay an administrator. Mr. Bryant passed out a copy of a letter from the Virginia Adult Home Association regarding the lack of opportunities for the public to comment to the Department of Social Services and the Department of Health Professions on the assisted living facility regulations. He stressed that the regulations being considered will cause homes to close.

Lynnwood Russell stated that he is concerned for the independent home owners. He commented that the Board should be concerned with protecting residents. He said that the regulations the Board is imposing will adversely affect the

poor. He questioned if combining the professions of nursing home administrators and assisted living facility administrators is a violation of federal law.

Carter Harrison stated that he represents the Alzheimer's Association and that he has worked on the initiative addressing assisted living facilities beginning with the task force for the Secretary of Health and Human Resources through the legislative process and attendance at the Board's task force meetings. He noted his appreciation for the work of the Board's Task Force, indicating that public comment was taken at every meeting. He stated that the draft being considered by the Board is fair and well thought out.

APPROVAL OF MINUTES: On a properly seconded motion by Ms. Fricke, the Board approved the Minutes of the Board Meeting held on September 27, 2005.

ADDITIONAL FEE INFORMATION: Ms. Yeatts explained that all of the Boards within the Department of Health Professions need to amend their regulations to increase the fee for returned checks from \$25.00 to \$35.00 which is the rate established by statute. On a properly seconded motion by Ms. McNulty, the Board adopted the amendment.

D.C. RECIPROCAL AGREEMENT: Ms. Reen advised that the D.C. Board of Nursing Home Administrators is requesting a reciprocal agreement for licensure. She explained that the Board currently allows licensure by endorsement which requires a review of the applicant's credentials and requires a passing score on the jurisprudence exam while reciprocity means that licensure is based solely on being licensed by the reciprocating entity. Ms. Yeatts explained that only Nursing has a reciprocal agreement in place and that was done through statute. Ms. Yeatts indicated that the major drawback to reciprocal agreements is that other jurisdiction requirements may fall behind Virginia's standards. Following questions about other states' practices, Mr. LeNeave requested that staff collect information about other states' practices and he assigned this matter to the Credentials Committee.

RECOGNITION OF MEMBERS OF THE TASK FORCE:

Mr. LeNeave stated that he wanted to introduce and recognize the individuals that served on the Task Force. He reported that he served as the chair, and the members and substitutes were:

- Karen Love for the Consumer Consortium on Assisted Living with Carter Harrison substituting for her once,
- Bertha Simmons for the Board,
- David McHarg for the Virginia Assisted Living Association,
- John Plitcha for the Virginia Association of Community Services Boards,
- Martha Hunt for the Board,
- Randy Scott for the Virginia Association of Non-Profit Homes for the Aging,
- Edward Owen for the Virginia Health Care Association,
- Jeffrey Hairston for the Virginia Adult Home Association with Roy Bryant substituting for him twice, and
- Carolynne Stevens for the Department of Social Services with Lynne Williams substituting for her once.

INTERIM REPORT ON THE REGULATION OF ASSISTED LIVING ADMINISTRATORS:

Ms. Yeatts advised that Board adopted the report at its last meeting and it was provided in the agenda package so Board members would have it in the form published for the General Assembly which is Senate Document 20. She reviewed the timeline for promulgation of regulations and stated that a follow-up report will be submitted to the General Assembly in November of 2006.

PROPOSED REGULATIONS FROM THE TASK FORCE ON ALFA LICENSURE:

Mr. LeNeave stated that the Task Force recommended the proposed regulations in the agenda package for adoption. He suggested that the Board review and act on the proposed regulations section by section. He asked Ms Yeatts to lead the discussion.

18VAC95-30-10. Definitions; 18VAC95-30-20. Posting of license; and 18VAC95-30-30. Accuracy of information: On a properly seconded motion by Ms. McNulty, the Board adopted these sections of the proposed regulations.

18VAC95-30-40. Required fees: Ms. Yeatts advised that the returned check fee needs to be increased to \$35 in this section in keeping with the earlier motion. Ms. Blunt questioned the affordability and reasonableness of the

application and renewal fees. She also asked for revenue projections. Ms. Yeatts explained how the fees were calculated using the renewal fee as the base. She stated that the application fee is the one year renewal fee plus the cost of processing the application and the reinstatement fee is the one year renewal fee, plus a late fee, and the cost of processing the reinstatement application. Ms. Yeatts further explained that the fees are based on the direct costs and indirect costs incurred by the Board for nursing home administrators. She advised that the best estimate for the number of assisted living facility administrators is that there are 625 licensed facilities. On a properly seconded motion by Ms. Hunt, the Board adopted this section of the proposed regulations with the amendment of the returned check fee from \$25 to \$35.

18VAC95-30-50. Practice by a licensed nursing home administrator: On a properly seconded motion by Ms. Smith, the Board adopted this section of the proposed regulations.

18VAC95-30-60. Renewal requirements: On a properly seconded motion by Ms. Simmons, the Board adopted this section of the proposed regulations.

18VAC95-30-70. Continuing education requirements: Ms. Smith stated she thought limiting the number of hours of online courses to five was too restrictive. A motion by Ms. Blunt to amend the proposed regulation to allow ten of the twenty hours to be obtained through Internet or self-study courses passed. On a properly seconded motion by Ms. Simmons, the Board adopted this section of the proposed regulations as amended.

18VAC95-30-80. Late renewal: On a properly seconded motion by Ms. Smith, the Board adopted this section of the proposed regulations.

18VAC95-30-90. Reinstatement for an assisted living facility administrator license or preceptor registration: On a properly seconded motion by Ms. Blunt, the Board adopted this section of the proposed regulations.

18VAC95-30-100.A (1) & (2). Educational and training

requirements for initial licensure: Ms. Blunt asked how current practice would be verified. Ms. Yeatts advised that DSS has the information on administrators and an affidavit could be used for assistant administrators. On a properly seconded motion by Ms. Blunt, the Board adopted this section of the proposed regulations.

18VAC95-30-100 (B) & (C). Educational and training requirements for initial licensure: Ms. Blunt questioned whether the proposed hours for practical experience were excessive given the size of facilities, complexity of knowledge and the role of the administrator. Options for reducing the numbers were discussed. A motion by Ms. McNulty to amend 18VAC95-30-100.B(2) by changing 400 hours to 320 hours for an internship, to amend 18VAC95-30-100.B(3)(a) by changing 1,000 hours to 500 hours in an AIT program, and to amend 18VAC95-30-100.B(3)(b) from 2,000 hours to 1,000 hours in an AIT program passed. On a properly seconded motion by Ms. Hunt, the Board adopted this section of the proposed regulations as amended.

18VAC95-30-110. Examination requirements for initial licensure: Mr. Reen noted that the numbering of the sections needed to be corrected from here forward in the draft. Mr. LeNeave advised that only one national testing agency was known to the Board, that is NAB, the National Association of Boards of Examiners of Long Term Care Administrators. On a properly seconded motion by Ms. Blunt, the Board adopted this section of the proposed regulations.

18VAC95-30-120. Qualifications for licensure by endorsement: On a properly seconded motion by Ms. Blunt, the Board adopted this section of the proposed regulations.

18VAC95-30-130. Application package: On a properly seconded motion by Ms. Hunt, the Board adopted this section of the proposed regulations.

18VAC95-30-140. Training qualifications: On a properly seconded motion by Ms. McNulty, the Board adopted this section the proposed regulations.

18VAC95-30-150. Required hours of training: Mr. LeNeave noted this section needs to be amended to reflect the changes in the number of hours adopted earlier. A motion by Ms. Blunt to amend the proposed regulation to state the hours adopted in 18VAC95-30-100 passed. Amending 18VAC95-30-150(B)2 to include assistant hospital administrator was discussed. On a properly seconded motion by Ms. Blunt the Board adopted this section of the proposed regulations as amended.

18VAC95-30-160. Required content of an administrator-in-training program: On a properly seconded motion by Ms. Fletcher, the Board adopted this section of the proposed regulations.

18VAC95-30-170. Training facilities: On a properly seconded motion by Ms. Smith, the Board adopted this section of the proposed regulation.

18VAC95-30-180. Preceptors; 18VAC95-30-190. Reporting requirements; and 18VAC95-30-200. Interruption or termination of program: On a properly seconded motion by Ms. Simmons, the Board adopted these sections of the proposed regulations.

18VAC95-30-210. Unprofessional conduct: On a properly seconded motion by Ms. Smith, the Board adopted this section of the proposed regulations.

Mr. LeNeave asked if there was further discussion on the proposed regulations. Ms. Blunt asked how the fitness of an AIT was determined. Consensus was that the Board relies on the preceptor to make any concerns known when completion of the program is reported. Mr. LeNeave asked if the Board would consider allowing a NHA to automatically qualify for ALFA license or to qualify by taking the jurisprudence exam. After discussion, no action was taken.

Ms. Fletcher stated that she would like to publicly commend the members of the Task Force for their hard work and suggested that a letter acknowledging their work be sent on behalf of the Board. Mr. LeNeave agreed to send a letter. Ms. Reen reported that the Task Force was advised that they might be convened one more time to address any

substantive issues raised through public comment.

**NAB NHA LICENSURE
ENDORSEMENT
AGREEMENT:**

Ms. Reen stated that the Board had received a request from NAB to adopt their "NAB NHA Licensure Endorsement Agreement," which includes Criteria for Endorsement. Ms. Wingfield stated that she had previously reviewed the documents and stated that the Board cannot abrogate its regulations by agreement. She recommended that the Board decline entering into the agreement and instead voice its support for having a national credentialing resource such as that envisioned by NAB. The consensus was to follow this recommendation.

**REPORT ON THE
NURSING FACILITY
ADVISORY COMMITTEE:**

Ms. Smith reported that the Commonwealth of Virginia had done a great job with the Emergency Preparedness Training. However, she is concerned about the lack of attention to Nursing Homes and a subcommittee will take a look into this issue.

ADJOURNMENT

Mr. LeNeave asked Ms. Yeatts to review the next steps and timeline for the draft regulations, Governing the Practice of Assisted Living Administrators. Ms. Yeatts stated that the proposal will be submitted for executive review after the General Assembly adjourns. She thought it would be published in the summer with a 60 day comment period and that the Board would hold a public hearing in the Fall. Mr. LeNeave commended Ms. Yeatts and Ms. Reen for their work on this initiative.

With all business concluded, the Board adjourned at 12:50 p.m.

Ted LeNeave, NHA, Chair

Sandra K. Reen, Executive Director

Date

Date