
Call to Order – Jenny Inker, PhD, ALFA, Board Chair

- Welcome and Introductions
- Mission of the Board
- Emergency Egress Instructions

Approval of Minutes (p. 4-21)

- Board Meeting – September 29, 2023
- Assisted Living Administrator-in-Training Resources and Supports Workgroup – September 29, 2023
- Assisted Living Administrator-in-Training Resources and Supports Workgroup – December 14, 2023

Ordering and Approval of Agenda

Board Member Recognition

Public Comment

The Board will receive public comment on agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Agency Report – Arne Owens, Director

Introduction and Presentation

- Enforcement Division – **Sarah Rogers, Enforcement Director**

Staff Reports

- Executive Director’s Report - **Corie E. Tillman Wolf, JD, Executive Director**
 - Discipline Report – **Melanie Pagano, JD, Deputy Executive Director**
 - Licensing Report – **Sarah Georgen, Licensing and Operations Supervisor**
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Board Counsel Report – Brent Saunders, Senior Assistant Attorney General

Committee and Board Member Reports

- Assisted Living Administrator-in-Training Resources and Supports Workgroup Report – **Jenny Inker, PhD, ALFA**
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Legislative and Regulatory Report – Erin Barrett, Director of Legislative and Regulatory Affairs

- Legislative Report
 - Report on Status of Regulatory Actions (p. 23)
-
-

New Business

- Review of Guidance Documents – **Erin Barrett, Director of Legislative and Regulatory Affairs**
 - Acting Administrators-in-Training Role – **Kimberly Brathwaite, ALFA** (p. 25-30)
-
-

Consideration of Consent Order*

**May include Closed Session, if necessary*

Next Meeting – June 18, 2024

Business Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to the Code of Virginia.

Approval of Minutes

The Virginia Board of Long-Term Care Administrators convened for a full board meeting on Friday, September 29, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jenny Inker, Ph.D., ALFA, Chair
Kimberly Brathwaite, ALFA
Mitchell Davis, NHA
Pamela Dukes, MBA, Citizen Member
Ali Faruk, MPA, Citizen Member
Ann Williams, Ed.D., Citizen Member

BOARD MEMBERS NOT PRESENT:

Lisa Kirby, NHA, Vice-Chair
Martha Hunt, ALFA
Ashley Jackson, NHA, MBA

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
Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center
Arne W. Owens, Agency Director
Matt Novak, Policy Analyst
Melanie Pagano, JD, Deputy Executive Director
M. Brent Saunders, Senior Assistant Attorney General
Corie E. Tillman Wolf, JD, Executive Director
Heather Wright, Senior Licensing Program Coordinator

OTHER GUESTS PRESENT

Brandie French, Commonwealth Senior Living
Judy Hackler, Virginia Assisted Living Association
Michelle Hamilton, Commonwealth Senior Living
Kimberly Hurt, Commonwealth Senior Living
Margaret Noel, Commonwealth Senior Living
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 10:02 a.m. and asked the Board members and staff to introduce themselves.

With six 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.

APPROVAL OF MINUTES

Dr. Inker opened the floor to any edits or corrections regarding the draft minutes for the Board meeting held on March 7, 2023, and Telephonic Conferences held on May 10, 2023, and May 22, 2023. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Upon a **MOTION** by Mr. Davis properly seconded by Dr. Williams, the Board voted to accept the agenda as presented. The motion passed unanimously (6-0).

PUBLIC COMMENT

Judy Hackler, Virginia Assisted Living Association, provided comment regarding the Board's Notice of Intended Regulatory Action (NOIRA) of regulatory reductions related to the practice of Nursing Home Administrators and Assisted Living Facility Administrators. Ms. Hackler stated that the Regulatory Town Hall website was not clear that both the NHA and ALFA regulations were available for public comment related to amendments. She requested that future public notification is distributed by the Board. Ms. Hackler also commented on the workforce shortage of licensees and the shortage of publicly-available preceptors. She requested a separate Regulatory Advisory Panel meeting to review proposed regulatory reductions further. She said that she looked forward to participating on the Assisted Living Administrator-in-Training Resources and Support Workgroup.

Michelle Hamilton, Chief Operating Officer, Commonwealth Senior Living, provided comment regarding the National Association of Long Term Care Administrator Boards (NAB) examination requirements. She stated that Administrators-in-Training (AITs) are having difficulty passing the exam. She stated that she believed that the NAB changes to the examination in July 2022 are hindering the passage of the examination, therefore effecting workforce issues and resident management in the facilities that she oversees.

Brandie French, Regional Vice President, Commonwealth Senior Living, stated that she is a registered Preceptor and shares the concerns of Ms. Hamilton. Ms. French read a statement from an anonymous AIT

providing concerns about the examination questions, the materials used to develop exam questions, and the NAB study guides.

Margaret Noel, Commonwealth Senior Living, stated that she was a current AIT and had failed the examination twice. She reported utilizing the study guides and other resources available but was unable to interpret the score report for the general Core of Knowledge examination or the Resident Care/Assisted Living examination for future exam testing purposes.

Kimberly Hurt, Vice President of Operations, Commonwealth Senior Living, provided comment on the change to the NAB examination and requested the Board to consider a Virginia-based examination in place of the National examination. She also requested the Board to remove the examination attempt limit requirement and to extend the time available for Acting AITs to serve in an acting capacity pending exam results.

AGENCY REPORT – Arne W. Owens, Agency Director

Mr. Owens thanked the Board Members for their service and participation.

Mr. Owens acknowledged the public comment received and said that he would review the NOIRA comments for further inquiry. Mr. Owens said that he appreciated the input and role of the professional associations.

Mr. Owens spoke about the 2023 General Assembly Session and stated that DHP was preparing for the next session, focusing on the budget for the Fiscal Year 2024 to 2026 biennial years.

Mr. Owens highlighted the Virginia Health Workforce Development Authority (VHWDA) study to examine workforce issues across the Commonwealth. He stated that the VHWDA plans to release a comprehensive final report with a strategic plan for goals and objectives on recommendations to address any identified issues related to healthcare workforce shortages. He noted that data collected through DHP's Healthcare Workforce Data Center during the license renewal process was used for analysis throughout the study. He reported that a parallel study is ongoing regarding the review of workforce issues related to geographical settings.

With no questions, Mr. Owens concluded his report.

PRESENTATION

Dr. Hodgdon provided an overview of the 2023 Workforce Reports for Nursing Home Administrators and Assisted Living Facility Administrators and summarized key data findings.

The Board discussed the presentation and results of the report. Ms. Tillman Wolf stated that she would work with the Healthcare Workforce Data Center on the creation of an additional question related to professional fatigue, which would be reviewed and approved at a future board meeting.

Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Dukes, the Board voted to accept the 2023 Workforce Reports for Nursing Home Administrators and Assisted Living Facility Administrators as presented. The motion carried unanimously (6-0).

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

Board Updates

Ms. Tillman Wolf introduced Melanie Pagano as the Deputy Executive Director of the Board.

Ms. Tillman Wolf provided updates from the Board's March meeting, to include the development of informational flyers for AITs and Preceptors, ongoing regulatory reduction efforts, and collaborative discussions with VCU and LeadingAge Virginia regarding resources for AITs in the licensure pipeline. She also stated that VCU provides an examination preparedness course for Residential Care/Assisted Living candidates.

Ms. Tillman Wolf stated that the Board will convene an Assisted Living Administrator-in-Training Resources and Supports Workgroup to rekindle discussions between the Board and the provider associations that participated in the 2019 Regulatory Advisory Panel (RAP). She noted that there were several regulatory changes finalized in December 2022 as a result of the 2019 RAP meetings, but there were also a number of non-regulatory recommendations concerning collaboration and continued information sharing that warranted renewed and further discussion.

Ms. Tillman Wolf reported on upcoming changes to the probable cause review process and said that more information would be forthcoming.

Ms. Tillman Wolf reported that the Board had not received notification regarding board appointments but would notify the Board once information was received.

Ms. Tillman Wolf stated that the October DHP Board Member Training had been rescheduled. She said that she would keep the Board updated on any new training opportunities.

Updates – Partner Agencies

Ms. Tillman Wolf stated that she had attended the Virginia Department of Health (VDH) Infection Control Cross Collaboration Assembly meeting on September 12, 2023. She stated that representatives from the Board of Long-Term Care Administrators and the Board of Nursing were present to participate in discussions related to increased collaboration and communication across agencies and organizations, particularly regarding infection prevention and control efforts.

She also reported that there have been discussions with the Virginia Department of Social Services (DSS) to establish a main point of contact at the Board and at DSS for information about Acting AIT registrations and to clarify communication regarding the timeline or starting date for Acting AITs.

NAB Updates

Ms. Tillman Wolf reported on the National Association of Long Term Care Administrator Boards (NAB) Annual Meeting held on June 14-16, 2023, in Columbus, Ohio. She highlighted follow-up discussions at the

meeting related to the recent migration to a new examination portal. She also reported that other jurisdictions provided feedback on their current regulatory efforts and announced that 26 states have accepted the Health Services Executive (HSE) credential. She stated that NAB formed a task force specific to the mobility of administrators; Ms. Tillman Wolf has agreed to serve on the Residential Care/Assisted Living subcommittee.

Exam Scores

Ms. Tillman Wolf provided data on NAB national exam scores for a time period prior to the COVID-19 pandemic (July 2017-September 2018) compared to recent pass/fail rates (CY 2022). The data points included the averages for Virginia candidates and for all candidates nationally. She reported that, anecdotally, her understanding is that other jurisdictions that tend to have higher pass rates on the examinations typically require pre-licensure courses or other educational coursework that coincides with the Domains of Practice. Ms. Tillman Wolf said that she is currently exploring this issue further and hopes to collaborate with other states at future meetings.

Expenditure and Revenue Summary as of June 30, 2023

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2023.

2023 Board Meeting Schedule

Ms. Tillman Wolf reminded Board Members of the remaining 2023 Board meeting date of December 14, 2023.

Ms. Tillman Wolf announced the 2024 Board meeting schedule.

- March 12, 2024
- June 18, 2024
- September 17, 2024
- December 3, 2024

Ms. Tillman Wolf provided reminders to the Board Members regarding participation at Board meetings and changes to their contact information. She thanked members for their service to the Board.

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

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

As of August 31, 2023, Ms. Pagano reported the following disciplinary statistics:

- 88 Patient Care Cases
 - 1 at Informal
 - 0 at Formal
 - 30 at Enforcement
 - 56 at Probable Cause
 - 1 at Administrative Proceedings Division

- 21 Non-Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 7 at Enforcement
 - 14 at Probable Cause
 - 0 at Administrative Proceedings Division

- 3 at Compliance

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

- | | |
|-------------------|-------------------|
| • 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 | • Q3 2023 – 18/23 |
| • Q2 2022 – 26/39 | • Q4 2023 – 23/18 |
| • Q3 2022 – 19/20 | |

With no questions, Ms. Pagano concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Supervisor

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

Current License Count – ALFA and NHA

ALFA	Q4 – 2023	NHA	Q4 – 2023
ALFA	611	NHA	915
ALF AIT	129	NHA AIT	85
Preceptor	208	Preceptor	211
Total ALFA	948	Total NHA	1,211

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

Licensure Renewals – 2023

License	Renewed	Not Renewed	Renewed Percentage
Assisted Living Facility Administrators	546	77	87.64%
Assisted Living Facility Preceptors	182	21	89.66%
Nursing Home Administrators	791	102	88.58%

Nursing Home Preceptors	190	26	89.96%
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Incomplete Renewals - 2023

Ms. Georgen stated that fifteen licensees were audited due to incomplete renewal requirements. She reported that fourteen licensees were found to be in compliance and one licensee was referred for further disciplinary review.

Updated Applications & Renewals – 2023

Ms. Georgen provided an update on the Preceptor Directory on the Board’s website. It provides a list of volunteered contact information of Preceptors in Virginia. She stated that information was added to the renewal and initial application for Preceptors inquiring about adding their information to the directory. Ms. Georgen reported that the number of Preceptors who have volunteered their information for public dissemination has doubled since 2021 when these changes were implemented.

On the Horizon

Ms. Georgen provided information to the Board on the implementation of automated email notifications to applicants and licensees throughout the application process for streamlining purposes. She said that more information would be provided at the time this project was completed.

Ms. Georgen stated that paper and online applications would be updated in the next several months to improve formatting, conciseness, clarity, and would be more user-friendly.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information on the existing policy regarding compliance with the 30-day requirement to submit Expense Reimbursement Vouchers. She stated that all agencies were required to adhere to these regulations, and there would be no exceptions to this policy in the future.

With no questions, Ms. Georgen concluded her report.

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

Mr. Saunders did not have a report to provide.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Mitch Davis, NHA

Mr. Davis did not have a report to provide.

BREAK

The Board took a break at 11:40 a.m. and returned at 11:48 a.m.

LEGISLATION AND REGULATORY ACTIONS

Report on Status of Regulations – Matt Novak, Policy and Economic Analyst

Mr. Novak provided an update on pending regulatory actions.

With no questions, Mr. Novak concluded his report.

BOARD DISCUSSION AND ACTIONS

Initiation of the Periodic Review of Public Participation Guidelines (18VAC95-11-10 et seq.)

Mr. Novak stated that agencies are required to conduct periodic reviews of regulatory chapters every four years. Mr. Novak provided a brief overview of the public participation guidelines.

Upon a **MOTION** by Ms. Dukes, properly seconded by Dr. Williams, the Board voted to initiate a periodic review of the Public Participation Guidelines (18VAC95-11-10 et seq.) as presented. The motion passed unanimously (6-0).

Consideration and Adoption of Proposed Amendments - Regulatory Reduction of Board Regulations Governing Nursing Home Administrators (18VAC95-20-10 et seq.)

Mr. Novak provided an overview of the proposed regulations governing the practice of Nursing Home Administrators. Mr. Novak noted that the language for the proposed amendments is based upon the regulatory provisions and language identified for reduction by the Board's Legislative/Regulatory Committee and the specific areas identified in the NOIRA adopted by the Board.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Brathwaite, the Board voted to adopt the proposed regulations for 18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators as presented. The motion passed unanimously (6-0).

Consideration and Adoption of Proposed Amendments - Regulatory Reduction of Board Regulations Governing Assisted Living Facility Administrators (18VAC 95-30-10 et. seq.)

Mr. Novak provided an overview of the proposed regulations governing the practice of Assisted Living Facility Administrators.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Brathwaite, the Board voted to adopt the proposed regulations for 18VAC95-30-10 et seq., Regulations Governing the Practice of Assisted Living Facility Administrators as presented. The motion passed unanimously (6-0).

Adoption of Revisions to the Electronic Meeting Policy (§2.2-3708.3)

Mr. Novak provided an overview of proposed revisions to the electronic meeting participation policy to reflect recent updates to Virginia Code §2.2-3708.3.

Upon a **MOTION** by Dr. Williams, properly seconded by Ms. Dukes, the Board voted to revise the policy on meetings held with electronic participation as presented. The motion passed unanimously (6-0).

Delegation of Acceptance and Signature of Consent Orders for Surrender, Suspension, and Revocation to Executive Director

Ms. Tillman Wolf provided an overview of the current practice by the Board regarding Consent Orders for surrender, suspension, and revocation. She proposed the delegation of acceptance of these types of negotiated orders to the Executive Director to save time and resources expended in convening Board members for a telephone conference call to accept or ratify the order.

Upon a **MOTION** by Mr. Faruk, properly seconded by Dr. Williams, the Board voted to delegate the acceptance and signature of Consent Orders for surrender, suspension, and revocation to the Executive Director. The motion passed unanimously (6-0).

Adoption of Guidance Document 95-1, Qualifying for Licensure: Required Content for College Coursework and Approval of Nursing Home Administrator-in-Training Training Hours

Ms. Tillman Wolf provided an overview of a proposed guidance document (1) to clarify the Board's regulations that establish the required content for coursework for a health-care related field for Nursing Home Administrator applicants and (2) to allow for Nursing Home Administrators-in-Training (AITs) to complete training hours concurrently with the completion of their degree program.

Upon a **MOTION** by Mr. Davis, properly seconded by Ms. Brathwaite, the Board voted to adopt Guidance Document 95-1, Qualifying for Licensure: Required Content for College Coursework and Approval of Nursing Home Administrator-in-Training Training Hours as presented. The motion passed unanimously (6-0).

PRESENTATION

LeadingAge Virginia: New Advanced Certified Nurse Aide Curriculum Toolkit and Website Resources for AITs and Preceptors – Dana Parsons, Vice President and Legislative Counsel

Ms. Parsons provided a presentation to the Board on the New Advanced Certified Nurse Aide Curriculum Toolkit and available website resources for AITs and Preceptors.

BOARD MEMBER RECOGNITION

Dr. Inker recognized Ms. Hunt and Mr. Davis for their service and dedication to the Board of Long-Term Care Administrators from 2015 to 2023. She announced that their second term expired on June 30, 2023, and provided brief remarks on each of their incumbencies. Dr. Inker presented Mr. Davis with a plaque to recognize his service. Ms. Hunt's plaque would be sent to her by mail as she was unable to participate in the meeting.

NEXT MEETING

The next scheduled meeting date is December 14, 2023.

ADDITIONAL COMMENTS

Dr. Inker requested that Board Members participate in the probable cause review of disciplinary cases after the meeting if able.

Dr. Inker announced that the Board would convene an Assisted Living Administrator-in-Training Resources and Support Workgroup following the meeting with Board Members Inker, Williams, and Brathwaite participating.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:21 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date

September 29, 2023

The Virginia Board of Long-Term Care Administrators convened for an Assisted Living Administrator-in-Training Resources and Support Workgroup on Friday, September 29, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jenny Inker, PhD, ALFA, Chair
Kimberly Brathwaite, ALFA
Ann Williams, EdD, Citizen Member

WORKGROUP MEMBERS PRESENT:

Judy Hackler, Executive Director, Virginia Assisted Living Association
Dana Parsons, Vice President, and Legislative Counsel, LeadingAge Virginia
April Payne, Chief Quality & Regulatory Affairs Officer, Executive Director, Virginia Health Care Association/Virginia Center for Assisted Living
Jennifer Pryor, Joint Program Director, Assisted Living Administration Specialty Area, Virginia Commonwealth University

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Sarah Georgen, Licensing and Operations Supervisor
Matt Novak, Policy Analyst
Melanie Pagano, JD, Deputy Executive Director
Corie E. Tillman Wolf, JD, Executive Director
Heather Wright, Senior Licensing Program Coordinator

OTHER GUESTS PRESENT

Joani Latimer, State Long-Term Care Ombudsman, Department for Aging and Rehabilitative Services

CALL TO ORDER

Dr. Inker called the meeting to order at 1:39 p.m. and asked the meeting participants to introduce themselves.

Ms. Tillman Wolf read the emergency egress instructions.

REVIEW OF AGENDA

There were no proposed changes to the agenda.

OVERVIEW OF WORKGROUP GOALS – Jenny Inker, Board Chair

Dr. Inker provided an overview of the Workgroup goals. She stated that the Board convened a Regulatory Advisory Panel in 2019 to discuss ways to improve Administrator-in-Training (AIT) training and preparation. That process brought together different agencies and organizations and resulted in a collaborative conversation about preparing prospective administrators for licensure. She stated that the earlier conversations focused on aspects of the hands-on training itself, as well as how to encourage the engagement of Preceptors, how to bridge information gaps about applying as an AIT, and the benefits of Long-Term Care Administrators as a profession.

Dr. Inker stated that, considering the challenges faced in long-term care over recent years, it was time to rekindle the conversation of AIT resources and support. She stated that the workgroup would focus on the non-regulatory recommendations that were made at the time and the issues that Assisted Living AITs and Preceptors continue to encounter.

Dr. Inker stated that the Workgroup meeting would be an opportunity for open information sharing and discussion. She acknowledged that not all agencies in the long-term care profession were included in the Workgroup but part of the discussion would include who should participate at future discussions.

DISCUSSION

Review of Past Efforts – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf stated that the Board of Long-Term Care Administrators had convened two Regulatory Advisory Panel meetings in 2019 to discuss how to better prepare and train Nursing Home Administrators-in-Training and Assisted Living Facility Administrators-in-Training. From those meetings, recommendations were forwarded to the Board which included regulatory and non-regulatory actions. She stated that the Board promulgated regulations related to those recommendations which became effective in December 2022. She stated that promoting Long-Term Care Administration as a profession and examination preparation were important components of those conversations.

Ms. Tillman Wolf presented information to the Workgroup of the total license count of Assisted Living Facility Administrators (ALFAs) and Nursing Home Administrators (NHAs). She provided a current, active comparison of licensure data based on in-state or out-of-state licensure, application types received, new experience pathway application statuses, trends of licensure since 2018, and National and Virginia overall pass/fail rates from July 2017-September 2018 and from CY 2022.

Ms. Tillman Wolf noted that a number of professions have experienced lower overall examination pass rates, likely due to impacts from the pandemic.

Group Discussion

Dr. Inker called on workgroup participants to share the resources they currently provide for AITs and Preceptors.

Virginia Health Care Association/Virginia Center on Assisted Living (VHCA/VCAL) – April Payne, Chief Quality & Regulatory Affairs Officer, Executive Director of VCAL

Ms. Payne touched on concerns related to how to get AITs and Preceptors the tools and resources they need, when there is often insufficient time, resources, and capacity to precept AITs. She noted that there is a

discrepancy that exists between NHAs and ALFAs. VHCA/VCAL offers opportunities for AITs to attend conferences.

LeadingAge Virginia – Dana Parsons, Vice President, and Legislative Counsel

Ms. Parsons stated that LeadingAge Virginia offers online resources for prospective AITs to include licensure roadmaps and videos to help them understand the necessary qualifications needed for licensure based on their education and professional experience.

Ms. Parsons also reported that LeadingAge Virginia also has an internal Preceptor Directory of administrators available to those attempting to connect with a possible Preceptor which also indicates if it is a paid position.

Ms. Parsons stated that AITs are encouraged to participate in LeadingAge Virginia conferences at a reduced rate.

Virginia Assisted Living Association (VALA) – Judy Hackler, Executive Director

Ms. Hackler stated that VALA directs their members to the Board or NAB websites for resources. She noted that there are many resources available but are scattered across many different websites making it difficult for potential AITs to find the information they need.

Ms. Hackler reported that she participated in the Virginia Health Workforce Development Authority (VHWDA) study to examine workforce issues across the Commonwealth. She said that VALA has reviewed mentorship opportunities to high school students to encourage long-term care as a future profession.

Ms. Hackler also reported that VALA has an internal Preceptor Directory of administrators available to those attempting to connect with a possible Preceptor.

VCU Department of Gerontology – Jennifer Pryor, Joint Program Director, Assisted Living Administration Specialty Area

Ms. Pryor shared that VCU offers a NAB accredited Assisted Living specialty area degree program and has observed an increase in students that pursue Assisted Living Facility Administrator licensure. She stated that the VCU program is tailored to the NAB Domains of Practice and offers a Residential Care/Assisted Living examination preparation course which is available to both VCU students and the public.

Ms. Pryor said that of those that attend the examination preparation course who have previously failed the exam, many have reported passing the examination once they have received study tips, taken practice examinations, and had open discussions of the AIT experience. She also stated that VCU is in the process of developing an online course which would incorporate smaller, more focused training on specific domains that AITs may struggle with.

Further, Ms. Pryor stated that she attends NAB meetings and serves on the Education Committee which provides deeper insight into the AIT and exam processes.

Board of Long-Term Care Administrators – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf shared that the Board has updated frequently asked questions on the Board's website and has revised and updated the volunteer Preceptor Directory which now lists the contact information for 81 preceptors. The Board refers applicants to the NAB website for the Administrator-in-Training manual, Preceptor Modules, Career Development Toolkit, and examination materials including the candidate handbook, list of recommended exam references, test score interpretation guide, study guide, and practice exams.

Group Discussion

Dr. Inker called on workgroup members to discuss the current challenges faced by the profession and by AITs entering the workforce.

The Workgroup identified specific challenges facing AITs which included:

- Time dedication of Preceptors;
- Lack of information sharing through schools including middle school, high school, technical schools and colleges;
- Administrators leaving the industry due to burnout - therefore the profession is losing both industry knowledge and available Preceptors;
- Facilities lacking the basic staffing for their residents which impacts overall facility operations and ability to create a pipeline for all professions in long-term care, not just a pipeline for administrators;
- Recovery efforts from the COVID-19 pandemic;
- Lack of support from executive and corporate leadership;
- Difficulties for applicants in passing the national examination and obtaining licensure.

The Workgroup discussed a number of challenge areas in further detail, including the struggle for AITs to find Preceptors willing to train them. Administrators often lack the capacity and time to dedicate to serving as a Preceptor for an AIT program. While it is an important role of an administrator to teach those wishing to enter the profession, it can be a burden to commit to the role as a Preceptor because administrators are already overextended in their role.

In addition, for AIT applicants, it is not always clear to determine how many hours are required for completion of an AIT program. It is also difficult for AITs to secure paid positions.

The Workgroup discussed the impact of there being a more negative perception of the profession based on societal views of those with health conditions, impairments, or disabilities. Participants agreed that this is also a barrier to a career path in long-term care. Participants further discussed whether and how colleges and education programs distribute information to students about the field.

Participants discussed concerns surrounding the examination, including concerns related to the potential impact of the NAB reorganization of the Domains of Practice in July 2022 on the examinations, including the Core and line of service exams.

Ms. Tillman Wolf stated that the five Domains of Practice were reorganized under four Domains of Practice. She expressed her understanding that the reorganization of the Domains did not alter the underlying content of the examination in terms of examination questions. Ms. Tillman Wolf stated that she would validate this information with NAB and share the concerns of the organizations regarding the examination changes.

Further, the Workgroup considered more immediate changes that could occur, including the addition to the Board's Preceptor Directory specifying if a Preceptor is able to train outside of their facility. Additionally, it was discussed that applicants have reported difficulty finding a testing location with available appointments. NAB limits the number of exam attempts within a 12-month period from the date of the initial exam, which becomes a barrier to licensure. Ms. Tillman Wolf stated that she would investigate this concern further.

Finally, the Workgroup discussed other possible participants that should be included in future discussions. It was suggested that representatives from NAB, PSI Services, LLC, the testing vendor of the NAB examination, and representation from the Office of the Secretary of Health and Human Services should be involved in the workgroup.

WRAP UP AND NEXT STEPS

Dr. Inker summarized the Workgroup's main challenges and asked Ms. Tillman Wolf to develop a recapitulation of meeting points and participant responsibilities for future discussions. Dr. Inker stated that the Board will review available dates for a series of future meetings concerning AIT resources and support.

Dr. Inker and Ms. Tillman Wolf thanked the participants for their time and collaboration.

MEETING ADJOURNMENT

With all business concluded, the meeting adjourned at 3:29 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date

December 14, 2023

The Virginia Board of Long-Term Care Administrators convened for an Assisted Living Facility Administrator-in-Training Resources and Support Workgroup on Thursday, December 14, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jenny Inker, PhD, ALFA, Chair
Kimberly Brathwaite, ALFA (Virtual)
Ann Williams, EdD, Citizen Member

WORKGROUP MEMBERS PRESENT:

Judy Hackler, Executive Director, Virginia Assisted Living Association
Dana Parsons, Vice President and Legislative Counsel, LeadingAge Virginia
April Payne, Chief Quality & Regulatory Affairs Officer, Executive Director, Virginia Health Care Association/Virginia Center for Assisted Living

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, JD, Director of Legislative and Regulatory Affairs
Sarah Georgen, Licensing and Operations Supervisor
Arne W. Owens, Agency Director
Matt Novak, Policy Analyst
Melanie Pagano, JD, Deputy Executive Director
Corie E. Tillman Wolf, JD, Executive Director
Heather Wright, Senior Licensing Program Coordinator

OTHER GUESTS PRESENT

Michelle Grachek, MEd, CAE, President, National Association of Long Term Care Administrator Boards (Virtual)
Randy Lindner, MHSA, CAE, CEO, National Association of Long Term Care Administrator Boards (Virtual)

CALL TO ORDER

Dr. Inker called the meeting to order at 9:42 a.m. and asked the meeting participants to introduce themselves.

Ms. Tillman Wolf then read the emergency egress instructions.

REVIEW OF AGENDA

There were no proposed changes to the agenda.

REVIEW OF MINUTES

There were no proposed changes to the minutes for the Assisted Living Administrator-in-Training Resources and Support Workgroup meeting held on September 29, 2023.

OVERVIEW OF WORKGROUP GOALS

Dr. Inker provided an overview of the Workgroup goals. She stated that the Board convened a Regulatory Advisory Panel in 2019 and in 2021 to discuss ways to improve Administrator-in-Training (AIT) training and preparation which resulted in several regulatory and non-regulatory recommendations to the full board. She stated that the Workgroup meetings are intended to continue conversations, particularly it related to current concerns and how to move forward with non-regulatory recommendations. She stated that the Board's scope and authority is somewhat limited, however, workgroup members have an opportunity to talk through areas where we may work together.

DISCUSSION

Recapitulation of September 29, 2023, Workgroup Minutes

Dr. Inker and Ms. Tillman Wolf provided a recapitalization of the September 29, 2023, Workgroup minutes providing concerns raised regarding items related to available resources for Administrators-in-Training (AITs) and Preceptors, the promotion of long-term care administration as a profession, the role of dissemination of information to college and university students, administrators leaving the profession, and concerns related to the Residential Care/Assisted Living (RCAL) examination.

CONCERNS RELATED TO NATIONAL EXAMINATION

Dr. Inker introduced Ms. Grachek and Mr. Lindner from the National Association of Long Term Care Administrator Boards (NAB) and asked them to provide additional information related to concerns raised about the national examination.

Ms. Grachek and Mr. Lindner provided a presentation on the RCAL examination history, NAB's process of examination development, NAB's RCAL examination data analysis and discussion, and examination preparation techniques.

Ms. Grachek announced that as of July 2023, the NAB examinations migrated to a new format and that NAB would no longer limit a candidate to the number of times they can take the Core of Knowledge (CORE), Nursing Home Administrator (NHA), and Residential Care/Assisted Living (RCAL) examinations. She stated that NAB will notify all jurisdictions of this updated information in January 2024.

During the presentation, Ms. Grachek and Mr. Lindner noted that data related to first time test takers was not separated from the overall pass rates and stated that they would provide that information to Ms. Tillman Wolf for distribution.

GROUP DISCUSSION

Dr. Inker opened the meeting to discussion from all workgroup participants to further explore collaboration between the Board and stakeholders.

The Workgroup discussed the NAB examination further and it was noted that there were different versions of the NAB Exam Candidate Handbook through NAB and the testing vendor, PSI Services, LLC. Ms. Grachek and Mr. Lindner stated that they would review the information and make the corrections.

The Workgroup discussed other factors to assist current and future AITs including an initial training course that could be integrated into the Board’s current AIT training hours which would focus on specific areas of training which may also impact the passage rates for the examination. Information related to this training course would be provided at the next Workgroup meeting by VHCA/VCAL.

The Workgroup also discussed possible future webinar options to provide additional reinforcement of information on long-term care operations and on-the-job processes, as well as guidance documents and updated frequently asked questions.

Ms. Tillman Wolf also stated that she would work with the DHP Healthcare Workforce Data Center for the collection of data during the 2024 renewal process related to administrators leaving the profession.

WRAP UP/NEXT STEPS

Dr. Inker summarized the Workgroup’s main challenges and asked Ms. Tillman Wolf to develop a recapitulation of meeting points and participant responsibilities for future discussions. Dr. Inker stated that the Board will review available dates in March 2024 for a future meeting concerning AIT resources and supports.

Dr. Inker and Ms. Tillman Wolf thanked the participants for their time and collaboration.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:33 a.m.

Corie Tillman Wolf, J.D., Executive Director

Date

Legislative and Regulatory Report

Board of Long-Term Care Administrators
Current Regulatory Actions
As of February 27, 2024

At DPB/OAG

VAC	Stage	Subject Matter	Date Submitted	Office; time in office	Notes
18VAC95-20 18VAC95-30	Proposed	Regulatory reduction 2023	10/10/2023	OAG; 140 days	Regulatory eliminations and reductions to comply with Governor's directive

New Business

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards within the Department of Health Professions

Chapter 31. Nursing Home and Assisted Living Facility Administrators

§ 54.1-3103.1. Administrator required for operation of assisted living facility; operation after death, illness, etc., of administrator; notification of Board; administrators operating more than one facility

A. All licensed assisted living facilities within the Commonwealth shall be under the supervision of an administrator licensed by the Board, except as provided in subsection B of § 54.1-3102. If a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, the assisted living facility may continue to operate with an acting administrator in accordance with the provisions of § 63.2-1803. The facility shall immediately notify the Board of Long-Term Care Administrators and the regional licensing office of the Department of Social Services that the assisted living facility is operating without the supervision of a licensed assisted living facility administrator and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of Social Services of his employment and, if he is intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board within 10 days of employment.

B. Nothing in this chapter shall prohibit an assisted living administrator from serving as the administrator of record for more than one assisted living facility as permitted by regulations of the licensing authority for the facility.

2005, cc. 610, 924;2011, c. 609.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 63.2-1803. Staffing of assisted living facilities

A. An administrator of an assisted living facility shall be licensed as an assisted living facility administrator by the Virginia Board of Long-Term Care Administrators pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1. However, an administrator of an assisted living facility licensed for residential living care only shall not be required to be licensed. Any person meeting the qualifications for a licensed nursing home administrator under § 54.1-3103 shall be deemed qualified to (i) serve as an administrator of an assisted living facility or (ii) serve as the administrator of both an assisted living facility and a licensed nursing home, provided the assisted living facility and licensed nursing home are part of the same building.

B. If a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, the assisted living facility shall immediately employ a licensed administrator or appoint an acting administrator who is qualified by education for an approved administrator-in-training program and has a minimum of one year of administrative or supervisory experience in a health care or long-term care facility, or has completed such a program and is awaiting licensure. The facility shall give immediate notice to the regional licensing office of the Department of Social Services and to the Board of Long-Term Care Administrators that the licensed administrator died, resigned, was discharged, or became unable to perform his duties and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of his employment and, if intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board of Long-Term Care Administrators within 10 days of employment. An assisted living facility may be operated by an acting administrator for no more than 150 days, or not more than 90 days if the acting administrator has not applied for licensure, from the last date of employment of the licensed administrator.

C. The Department may grant an extension of up to 30 days in addition to the 150 days from the last date of employment of a licensed administrator if the acting administrator has applied for licensure as a long-term care administrator pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1, has completed the administrator-in-training program, and is awaiting the results of the national examination. If a 30-day extension is granted, the acting administrator shall immediately submit written notice to the Board of Long-Term Care Administrators. In no case shall an assisted living facility be operated with an acting administrator for more than 180 days, including the 30-day extension, from the last date of employment of a licensed administrator.

D. No assisted living facility shall operate under the supervision of an acting administrator pursuant to § 54.1-3103.1 and this section more than two times during any two-year period unless authorized to do so by the Department. Determinations regarding authorization to operate under the supervision of an acting administrator for more than two times in any two-year period shall be made by the Department on a case-by-case basis.

E. The assisted living facility shall have adequate, appropriate, and sufficient staff to provide

services to attain and maintain (i) the physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care and (ii) the physical safety of the residents on the premises. Upon admission and upon request, the assisted living facility shall provide in writing a description of the types of staff working in the facility and the services provided, including the hours such services are available.

Code 1950, §§ 63-222, 63-223; 1954, c. 259; 1968, c. 578, §§ 63.1-172, 63.1-174; 1972, c. 718; 1973, c. 227; 1975, c. 437; 1977, c. 105; 1985, cc. 17, 518; 1991, c. 532; 1992, c. 356; 1993, cc. 957, 993; 1994, c. 107; 1995, c. 649; 1997, c. 397; 1998, cc. 552, 850; 2000, cc. 804, 808, 845; 2001, c. 161; 2002, c. 747; 2003, c. 467; 2005, cc. 610, 924; 2011, c. 609; 2019, c. 448.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Part IV. Administrator-in-Training Program

18VAC95-30-180. Preceptors.

A. Training in an ALF AIT program shall be under the supervision of a preceptor who is registered or recognized by Virginia or a similar licensing board in another jurisdiction.

B. To be registered by the board as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;
2. Be employed full time as an administrator in a training facility for a minimum of two of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility;
3. Provide evidence that he has completed the online preceptor training course offered by NAB; and
4. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning, and evaluation;
2. Be routinely present for on-site supervision of the trainee in the training facility as appropriate to the experience and training of the ALF AIT and the needs of the residents in the facility; and
3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

D. A preceptor may supervise no more than two trainees at any one time.

E. A preceptor for a person who is serving as an acting administrator while in an ALF AIT program shall be present in the training facility for face-to-face instruction and review of the trainee's performance for a minimum of four hours per week.

F. To renew registration as a preceptor, a person shall:

1. Hold a current, unrestricted Virginia assisted living facility or nursing home license and be employed by or have a written agreement with a training facility for a preceptorship; and
2. Meet the renewal requirements of 18VAC95-30-60.

Statutory Authority

§§54.1-2400 and 54.1-3102 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 24, Issue 6, eff. January 2, 2008; amended, Virginia Register Volume 24, Issue 23, eff. September 4, 2008; Volume 31, Issue 3, eff. November 20, 2014; Volume 32, Issue 3, eff. November 4, 2015; Volume 35, Issue 12, eff. March 6, 2019; Volume 39, Issue 7, eff. December 21, 2022.

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 95. Board of Long-Term Care Administrators
Chapter 30. Regulations Governing the Practice of Assisted Living Facility Administrators

Part IV. Administrator-in-Training Program

18VAC95-30-201. Administrator-in-training program for acting administrators.

A. A person who is in an ALF AIT program while serving as an acting administrator pursuant to § 54.1-3103.1 of the Code of Virginia shall be identified on his nametag as an acting administrator-in-training.

B. The facility shall post the certificate issued by the board for the acting administrator and a copy of the license of the preceptor in a place conspicuous to the public.

Statutory Authority

§ 54.1-2400 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 32, Issue 3, eff. November 4, 2015.