

APPROVED

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

Wednesday, January 19, 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 9:26 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
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: No Public Comments

APPROVAL OF MINUTES: On a properly seconded motion by Mr. LeNeave, the Board approved the Minutes of the Board Meeting of October 13, 2004.

On a properly seconded motion by Mr. LeNeave, the Board approved the Minutes of the Formal Hearing of October 13, 2004.

Ms. Blunt requested an explanation of why certain board members are excluded from formal hearings. Mr. Casway explained that special conference committee members already have knowledge of the case and that formal hearings are heard de novo so the members who heard the case in an informal conference are excluded from the

formal hearing.

Mr. LeNeave then questioned how the Board could assure that it's decisions from one level to the next are consistent in regards to policy and the facts of the case. Mr. Casway indicated that the prosecutor could work with the members who participated in the informal conference in developing the notice for the formal hearing and the Commonwealth's case. The Board asked Ms. Reen to facilitate the dialogue recommended by Mr. Casway.

**JOINT COMMITTEES
MEETING REPORT:**

Ms. Blunt reported that the Joint Meeting of the Credentials and Legislative/Regulatory Committees recommended against the Board approving the degree and certificate programs that would qualify a candidate for licensure. She indicated that the Committees would meet jointly after the Board meeting to complete work on the guidance document on required content for college coursework which will be presented for adoption at the April meeting. Ms. Reen stated that the Notice of Intended Action has been issued on the proposed amendments to regulations on the coursework requirements and the comment period ends February 11, 2005.

Ms. Blunt explained that the Joint Committees recommends that the changes to the language in 18 VAC 95-20-220 describe the content of an acceptable degree program rather than name programs and incorporate the information from the guidance document.

Ms. Blunt also reported that the Joint Committees decided against proposing changes to address AIT requirements for someone who is licensed as an RN and has a business degree and against proposing changes to amend the qualifications for preceptors.

LEGISLATIVE UPDATE:

Ms. Yeatts provided a list of bills that the Department of Health Professions is following. She advised that there are several bills addressing assisted living facilities and the licensure of assisted living administrators. She indicated that the bills agree on reconstituting the Board of Nursing Home Administrators and renaming it the Board of Long Term Care Administrators. She also advised that there are

proposals to regulate persons who dispense medication in assisted living programs.

**ITEM REVIEW WORKSHOP
REPORT:**

Ms. Smith reported that, on November 15, 2004, in a workshop facilitated by a test developer from Prometric, she, Mr. LeNeave and Ms. Reen reviewed every test item for the NHA jurisprudence exam. Some items were amended or deleted and new items were developed to adequately cover reporting abuse and neglect. Ms. Reen reported that Prometric gave January 15, 2005 as the date the items agreed to in the workshop would be in place.

**NAB MID-YEAR MEETING
HIGHLIGHTS:**

Mr. LeNeave reported that NAB is working on achieving reciprocity for licensees among states, and the Board of Governors approved a new Corporate Provider category for continuing education, which must meet at least one domain of practice and must be submitted for approval 45 days prior to offering the course. This will allow approved corporations to offer continuing education to their own staff.

**BHP BIENNIAL REPORT
SUBMISSION:**

Ms. Reen noted the information on the Board's activities from July 2, 2002 to June 30, 2004 that was submitted for inclusion in the Board of Health Professions' (BHP) upcoming Biennial Report. She stated there was a 12% decline in the total number of licensees from the last biennium; however, the number of new licensees rose by 16% over the last biennium.

Ms. Smith noted that the BHP is asking all Boards to submit best practice ideas for discussion.

INVESTIGATIONS:

Faye Lemon, Director, Enforcement Division gave the Board an overview of the investigation process. She explained how cases are prioritized and that the agency has approximately 4,000 open cases, with 2,200 currently being investigated. Other staff present from Enforcement was Sammy Johnson, Deputy Director, Shannon Roberson, Case Intake Analyst, Pamela Twombly, Regional Supervisor.

Ms. Smith contrasted two cases where one addressing a minor complaint was fully investigated with interviews and

patient records and the other addressing serious harm was sent to the Board with only the information received from the source. She asked why such disparity. Ms. Lemon indicated that she would share this observation with investigators.

Suggestions of ways to improve investigation reports were to interview the person who was the administrator at the time of the incident or survey and the current administrator if a change has occurred; to explore through interviews the role/relationship of the administrator to the issue of concern, i.e. policies and procedures, staffing, staff training, supervision, supplies/equipment, facilities; and, to address what the administrator did in response to the issue.

The Board reviewed a questionnaire that Mr. Roberson provided that is used when opening a nursing home administrator case and requested suggestions from the Board. The Board instructed that when survey results are received from the Department of Health that Intake should ask if the results are being challenged in Informal Dispute Resolution. If so, the survey results/case should be held at Intake until the IDR results are provided. The Board further instructed that if the "J" substandard care findings in a survey are lowered through the IDR process the survey results/case should be closed at Intake. Such cases should not come to the Board for review.

Mr. Johnson discussed the current audit of a 10% sample of licensees for compliance with continuing education requirements.

ADJOURNMENT

With all business concluded, the Board adjourned at 11:22 a.m.

Robert N. Rector, Jr., NHA

Sandra K. Reen, Executive Director

Date

Date