

APPROVED MINUTES
VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS
MEETING MINUTES

The Virginia Board of Long Term Care Administrators convened for a board meeting on Tuesday, December 13, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

The following members were present:

John Randolph Scott, NHA, ALFA, Chair
Thomas J. Orsini, NHA, Vice-Chair
Martha H. Hunt, ALFA
Kathleen R. Fletcher, MSN
Amanda Gannon, NHA
Gracie Bowers, Citizen Member

The following member was absent:

Ted A. LeNeave, NHA

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Arne Owens, Agency Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

Representative from the Office of the Attorney General present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Quorum:

With 6 members present & consisting of at least one citizen member, a quorum was established.

Guests Present:

Judy Hackler, Virginia Assisted Living Association (VALA)
Elizabeth Carter, Director, DHP Healthcare Workforce Data Center

CALLED TO ORDER

Mr. Scott, Chair, called the Board meeting to order at 10:18 a.m. and began by welcoming new member Amanda Gannon to the board and by asking the board members and staff to introduce themselves.

PUBLIC COMMENT PERIOD

There was no public comment.

ORDERING OF THE AGENDA

The Agenda was approved as ordered.

ACCEPTANCE OF MINUTES

Upon a motion by Tom Orsini and properly seconded by Martha Hunt, the Board voted to accept the following minutes of the board meeting:

- Minutes of Board Meeting – July 7, 2011
- Telephonic Conference Minutes – August 12, 2011
- Informal Conference Minutes – November 7, 2011
- Informal Conference Minutes – November 7, 2011

The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn began her report by again welcoming Amanda Gannon as the board's newest member and shared that she and Ms. Gannon had the opportunity to conduct a partial board orientation telephonically.

Expenditure & Revenue Summary FY11

The cash balance as of June 30, 2011 was \$(215,920); the year to date revenue for Fiscal Year 12 were \$19,392; direct and allocated expenditures were \$160,872; the ending cash balance as of October 31, 2011 was \$(357,400). She concluded this report by stating that she was very concerned about the current financial conditions because the longer the regulations remain unsigned, the worse the financial situation will become.

Ms. Hahn reminded the board that they approved a fee increase during the December 6, 2010 meeting and that the request still remains unsigned at the Secretary's office. Ms. Hahn further explained that according to §54.1-113 of the Code of Virginia, the Department is required to revise their fees on a biennium basis and adjust accordingly so that the fees are not more or less than 10% of money collected but that they are sufficient enough to cover expenses.

Ms. Hahn stated that the majority of the board's expenditures come directly from allocated costs which include investigations, office of the attorney general (OAG), VITA costs, and Agency expenses. She added that the remaining percent of expenditures are the only costs within her direct managing control. Ms. Hahn concluded that Dr. Reynolds-Cane will continue to work with the Secretary's office in an effort to have the regulations approved by the administration for a fee increase.

Discipline Statistics

Ms. Hahn reported as of December 1, 2011 there are currently 33 open cases; 20 cases are in Investigations, 7 cases are in the probable cause level, 4 cases are in APD, and 2 are at the informal stage. Ms. Hahn stated that 14 board Orders were currently being monitored by Ms. Currier who was also serves as the Compliance Case Manager for all of Ms. Hahn's boards.

Licensee Statistics

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 79 nursing home administrators in training, 80 assisted living facility administrators in training, 1 "acting" assisted living facility administrator in training, 598 assisted living facility administrators, 162 assisted living facility preceptors; 818 nursing home administrators and 225 nursing home preceptors. Ms. Hahn added that as a result of the boards asking for Preceptors to volunteer their contact information for a public list, we currently had about 50 names. Ms. Hahn requested that if anyone knew of any Preceptors that would like to be added to the list to have them contact the board.

Virginia Performs

Ms. Hahn reported the clearance rate for the first quarter ending September 30, 2011 was 90%. During this quarter we received 10 cases and closed 9. The age of our pending case load over 250 days was at 14%; the percent of cases closed within 250 business days was 100%; the customer satisfaction rating achieved was 93%; and licensing within 30 days was at 100%.

Committee Member List

Ms. Hahn mentioned that each member had been provided with a listing of the new committee members that Randy Scott had selected for the upcoming year.

Fall Presentations

Ms. Hahn shared that the following presentations that were made on behalf of the board:

- October 7th – vaLTC Fall Conference in Blacksburg – Missy Currier
- October 12th – VANHA Educational Conference in Roanoke – Randy Scott and Missy Currier

- October 24th VALA Annual Conference in Richmond – Dr. Dianne Reynolds-Cane
- December 6th – VHCA Offices (VCAL Committee Meeting) in Richmond – Lisa Hahn and Missy Currier

NAB Business

Ms. Hahn deferred the report regarding the NAB Mid-Year meeting. She indicated that Ted LeNeave was unable to attend today due to unforeseen circumstances but that he serves on the Reciprocity Committee and he would have an update on their efforts at the next full board meeting.

“Acting” Administrators

Ms. Hahn shared that the board staff had been proactive in preparing for tracking “Acting” ALF Administrators. Some of the procedures already in place are; a new “Acting” ALF application and AIT program acceptance letter, a unique identifiable license number will be issued, and a paper registration with a 150 day expiration date will be issued to be visibly posted at the facility in which the “Acting” is working.

Disciplinary Review Committee

Ms. Hahn spoke about the Investigative Guideline handout provided to the members which was developed to establish protocols for conducting investigations specifically for the Board of Long-Term Care. She explained that many cases encompass both Nursing and LTC and can include a lot of unnecessary documentation for the board. By establishing more specific protocols for investigators, Ms. Hahn hopes to eliminate unnecessary costs and voluminous paperwork for the board to have to sift through. She asked the members to review and let her know if they see any additional changes that should be included.

Other Business

Ms. Hahn stated that the Memorandum of Understanding (MOU) between DSS and the Board had been officially signed by both agencies and was now available under Guidance Document 95-10 on the website. She added that the document provides methods of exchange of information and cooperation in promoting the delivery of quality care and ensuring the protection of the residents of Assisted Living Facilities. Ms. Hahn stated that the Board already had an MOU with the Virginia Department of Health regarding Nursing Homes.

Board Housekeeping

Ms. Hahn reminded everyone that the 2011 Conflict of Interest Forms needed to be completed and returned to Missy Currier by January 4, 2012.

She added that it was time again for the required Conflict of Interest Training. Ms. Hahn explained that because members have found it almost impossible to complete on line, we would offer the course at DHP prior to, or after the next board meeting.

Ms. Hahn polled the board about their willingness to run future meetings by bringing their own personal laptops. She stated that it would be an effort to help reduce costs and eliminate the usage of reams of paper. Ms. Hahn stated that we would also have the agenda and information available on the projection screen. She also added that the board has already reduced costs by sending investigative cases to the review committee via CD rather than large paper stacks and postage costs. The board was in favor of trying out this method at the next meeting in March 2012.

2012 Calendar

Ms. Hahn stated that the 2012 board meetings were scheduled for March 13th, June 19th, September 11th and December 11th and that any meeting could be cancelled due to budgetary reasons or for having a light agenda.

NEW BUSINESS

Workforce Issues – Elizabeth Carter

Ms. Carter gave a PowerPoint presentation on the Department of Health Professions Healthcare Workforce Data Center. The overview included Workforce data availability and limitations, data center background and research, surveys under development and planned publications. Ms. Carter concluded her session by asking for volunteers from the profession who would be interested in workforce issues and who would like to participate on a committee to help develop the surveys. She asked if anyone was interested to please contact Ms. Hahn or her staff.

BREAK

The Board took a recess at 11:20 a.m. and reconvened at 11:30 a.m.

Legislative & Regulatory Reports – Elaine Yeatts

Adoption of the proposed regulations for the oversight of Acting Administrators

Ms. Yeatts stated that according to the new law, the Board was required to promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who were not yet licensed as long-term care administrators by a preceptor registered or recognized by the board. Ms. Yeatts reviewed the proposed regulations (attached) with the board and stated that no comments were made during the public comment period.

Upon a motion by Tom Orsini and properly seconded by Martha Hunt, the board voted to adopt the proposed regulations regarding the oversight of Acting Administrators. The motion carried unanimously.

Periodic Review

Ms. Yeatts stated that it was time for a periodic review of 18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators. After discussion, the board made the decision to defer any changes until the next meeting. Ms. Marschean suggested the board consider adding Professional Incompetence under 18VAC95-20-470 – Unprofessional Conduct.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 12:05 p.m.

John Randolph Scott, NHA, ALFA, Chair

Lisa R. Hahn, Executive Director

Date

Date

Attachment

Project 2920 - Proposed

BOARD OF LONG-TERM CARE ADMINISTRATORS

Oversight of acting administrators in an AIT program

Part III

Requirements for Licensure

18VAC95-30-95. Licensure of current administrators. (Repealed.)

~~A. Until January 2, 2009, any person who has served in one of the following positions for the period of one of the four years immediately preceding application for licensure may be licensed by the board:~~

- ~~1. A full-time administrator of record in accordance with requirements of 22VAC40-72-200, or an assistant administrator in an assisted living facility, as documented on an application for licensure; or~~
- ~~2. A full-time regional administrator with onsite supervisory responsibilities for one or more assisted living facilities with at least two years of previous experience as the administrator of an assisted living facility as documented on an application for licensure.~~

~~B. Persons who are applying for licensure based on experience as an administrator as specified in subsection A of this section shall document a passing grade on the national credentialing examination for administrators of assisted living facilities approved by the board.~~

18VAC95-30-130. Application package.

A. An application for licensure shall be submitted after the applicant completes the qualifications for licensure.

B. An individual seeking licensure as an assisted living facility administrator or registration as a preceptor shall submit:

1. A completed application as provided by the board;
2. Additional documentation as may be required by the board to determine eligibility of the applicant, to include the most recent survey report if the applicant has been serving as an acting administrator of a facility;
3. The applicable fee; and
4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and the regulations relating to assisted living facilities.

C. With the exception of school transcripts, examination scores, and verifications from other state boards, all parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year, after which time the application shall be destroyed and a new application and fee shall be required.

18VAC95-30-150. Required hours of training.

A. The ALF AIT program shall consist of hours of continuous training as specified in 18VAC95-30-100 A 1 in a facility as prescribed in 18VAC95-30-170 to be completed within

24 months, except a person in an ALF AIT who has been approved by the board and is serving as an acting administrator shall complete the program within 150 days. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B of this section.

B. An ALF AIT applicant with prior health care work experience may request approval to receive hours of credit toward the total hours as follows:

1. An applicant who has been employed full time for one of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT;
2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 320 hours in an ALF AIT; or
3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT.

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 a licensing board.

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 or facilities for a minimum of one of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and
3. 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 with the trainee in the training 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 two hours per week.

18VAC95-30-190. Reporting requirements.

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training. For a person who is serving as an acting administrator while in an ALF AIT program, the preceptor shall include in the progress report evidence of face-to-face instruction and review for a minimum of two hours per week.

B. The trainee's certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the program. For a trainee who is serving as an acting administrator while in an ALF AIT program, the certificate of completion and reports shall be submitted to the board within five business days of completion of the 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.