APPROVED

VIRGINIA BOARD OF LONG –TERM CARE ADMINISTRATORS
MEETING MINUTES

The Virginia Board of Long-Term Care Administrators convened for a board meeting on Tuesday, October 28, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, 2nd Floor, Conference Room #4, Richmond, Virginia.

The following Board members were present:

Ted A. LeNeave, NHA
Martha H. Hunt
Randy Scott
Bertha Simmons, NHA
Mary Smith, NHA
Charlotte V. McNulty

The following Board members were absent:

Kathleen Fletcher, MSN

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

Lisa R. Hahn, Executive Director
Sandra Whitley Ryals, Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager

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

Amy Marschean, Senior Assistant Attorney General

Guests present:

Dana Parsons, VANHA
Beverley Sobel, VHCA
Judy Hackler, VALA
Carter Harrison, Alzheimers Association

CALLED TO ORDER

Mr. LeNeave, Chair, called the Board meeting to order at 9:14 a.m.

PUBLIC COMMENT PERIOD

Ms. Soble from VHCA asked the Board to consider not requiring 40 continuing competency hours to those dually licensed as nursing home administrators and assisted living facility administrators.

ORDERING OF AGENDA

Upon a motion by Ms. Smith and properly seconded by Ms. McNulty, the Board voted to amend the agenda to add discussion regarding continuing competency requirements for those dually licensed and discussion of licensure of assisted living facility administrators by experience after January 2, 2009 under New Business.

The members voting yes were Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott and Ms. Smith. There were no negative votes.

The motion passed unanimously.

Ms. Simmons had not arrived.

APPROVAL OF MINUTES

Upon a motion by Ms. McNulty and properly seconded by Ms. Smith, the Board voted to approve the minutes of the March 11, 2008 Board meeting, the Public Hearing minutes of June 16, 2008 and the Public Hearing minutes of July 23, 2008.

The members voting yes were Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott, and Ms. Smith. There were no negative votes.

The motion passed unanimously.

Ms. Simmons had not arrived.

NEW BUSINESS

Board to Consider Petition for Rulemaking and Comments Received

Ms. Yeatts discussed the petition for rulemaking that was submitted by Mr. Lovelace to eliminate the requirement for a national examination for licensure of assisted living facility administrators and replace it with a state examination.

Upon a motion by Mr. Scott and properly seconded by Ms. Smith, the Board voted to reject the petition to eliminate the national examination for licensure of assisted living facility administrators and replace it with a state examination.

The members voting yes were Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott and Ms. Smith. There were no negative votes.

The motion passed unanimously.

Ms. Simmons had not arrived.

Ms. Yeatts stated that another petition for rulemaking was submitted by Ms. Payne. She is requesting that a registered nurse who meets the experience requirements for an assisted living facility administrator be allowed to be licensed without an additional examination. Comments will be received through November 26, 2008. Ms. Yeatts stated this petition should be placed on the agenda for discussion at the next meeting after the public comment period has ended.

Adoption of Exempt Regulation Regarding Public Participation Guidelines

Ms. Yeatts recommended that the Board adopt the model Public Participation Guidelines (PPG) regulations as an exempt action.

Upon a motion by Ms. Smith and properly seconded by Ms. McNulty, the Board voted to repeal Chapter 10 and adopt Chapter 11, the Model Public Participation Guidelines.

The members voting yes were Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott and Ms. Smith. There were no negative votes.

The vote passed unanimously.

Ms. Simmons had not arrived.

Regulatory and Legislative Report – Elaine Yeatts

Regulatory Status

Ms. Yeatts stated that medication aides and assisted living facility administrators have until the end of the year to be licensed. She stated assisted living facility administrators who are applying by experience have until January 2, 2009 to acquire their license; afterwhich time, the experience route will no longer be an option for licensure.

Ms. Simmons arrived at 9:41 a.m.

There was discussion by the board as to what would happen to those persons who were not licensed by January 2, 2009. Ms. Hahn stated that the Department of Social Services will send to the Department of Health Professions names of facilities that are operating without a licensed administrator. She further stated that a Memorandum of Understanding (MOU) will be developed between DSS and DHP.

AGENCY DIRECTOR'S REPORT

Ms. Ryals gave a report regarding patient care disciplinary case processing times. She reported on the quarterly performance measurement from 2005 through 2008. Ms. Ryals discussed the clearance rate, the age of pending caseloads and the time to disposition of cases. She stated the goal of the agency is to resolve 90% of complaints related to patient care cases within 250 business days by the end of Fiscal Year 2010. Ms. Ryals stated the percent of cases resolved within 250 business days jumped to 85% during the last quarter from 73% from the previous quarter.

Ms. Hahn commended Ms. Ryals for accomplishing a phenomenal feat in developing a system and method to diminish the backlog of investigative cases.

Applying by Experience Expires January 2, 2009

Ms. Ryals commended the staff and the Board for getting the word out to organizations regarding the regulations. She recommended that a final attempt be made to reach out to the prospective licensees and to the organizations to be sure everyone is aware of the changes that will take place, effective January 2, 2009, in regard to assisted living facility administrators no longer having the option to be licensed by way of experience.

There was discussion in regard to methods to inform the public including: sending a letter to all facilities or creating a fact sheet; holding a series of town halls, preparing a question and answer sheet, preparing a press release; and notifying persons by mail or e-mail who submitted public comment and placing information on the website. There is concern that there is a belief among the industry that if they are not licensed by January 2, 2009; they still have 90 days to get their license; this belief is incorrect.

Ms. Hahn explained that anyone found practicing as an assisted living facility administrator without a license after January 2, 2009 are clearly in violation of the law. Ms. Hahn also stressed that after January 2, 2009, the experience option will no longer be available for licensure as an assisted living facility administrator; in order to be licensed, applicants must apply for the administrator-in-training program and meet the educational requirements.

Licensees Dually Licensed as Nursing Home Administrator and Assisted Living Facility Administrator

Upon a motion by Mr. Scott and properly seconded by Ms. Smith, the Board voted to count continuing competency hours for both professions, requiring that only 20 hours be accrued if a licensee is dually licensed and to prepare a guidance document to reflect this decision.

The members voting yes were Ms. Hunt, Mr. LeNeave, Ms. McNulty, Mr. Scott and Ms. Simmons and Ms. Smith. There were no negative votes.

The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Licensure and Discipline Statistics

Ms. Hahn reported the number of current licensees as follows: 723 nursing home administrators and 205 preceptors licensed in the state of Virginia for a total of 928; and 139 assisted living facility administrators; 38 assisted living facility preceptors, for a total of 177. Since our last board meeting, we have received 10 cases and closed 21 cases. We currently have 5 open cases; 3 cases in Enforcement and 2 cases in Probable Cause stage. During FY 08, we received 23 cases and closed 36 cases.

Virginia Performs

The percent of patient care cases closed less than 250 days is at 73%. The board received a rating of 83% regarding the customer satisfaction survey and the licensing standard of issuance in less than 30 days was met by 100%.

Budget

Ms. Hahn reported on the revenues and expenditures for the quarter ending June 30, 2008. The cash balance as of June 30, 2007 was $90,373; the year-to-date FY08 direct and allocated expenditures was $306,421 and the prior period adjustment amount was $520. Ms. Hahn stated the cash balance as of June 30, 2008 was $9,066 Ms. Hahn further stated that Ms. Ryals will send a letter to all boards in December, 2008 notifying them of the status of their budgets.

2008 Calendar

Ms. Hahn stated the next board meeting is scheduled for March 3, 2009. Subsequent meetings are scheduled for August 11, 2009 and December 1, 2009.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 10:55 a.m.

Ted A. LeNeave, NHA, Chair	Lisa R. Hahn, Executive Director
Date	Date