

Board of Long-Term Care Administrators

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 200
Henrico, Virginia 23233-1463
Board Room #2

July 7, 2011
9:30 a.m.

AGENDA

CALL TO ORDER

ORDERING OF AGENDA

PUBLIC COMMENT PERIOD

ACCEPTANCE OF MINUTES – Tab 1

- Telephonic Conference Minutes – January 13, 2011
- Minutes of Board Meeting – March 15, 2011
- Formal Conference Minutes – March 15, 2011
- Informal Conference Minutes – March 15, 2011
- Disciplinary Review Committee Minutes – June 13, 2011
- Regulatory/Legislative Minutes – June 13, 2011
- Informal Conference Minutes – June 13, 2011

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn - Tab 2

NEW BUSINESS

- DSS Risk Assessment – DSS (Invitation Pending)
- Legislative & Regulatory Reports – Elaine Yeatts – **Tab 3**
- Guidance Documents – Lisa Hahn - **Tab 4**
- Draft MOU for DSS and DHP – **Tab 5**
- Election of Officers

ADJOURNMENT

Tab 1

**UNAPPROVED
VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
TELEPHONIC CONFERENCE
MEETING MINUTES**

The Virginia Board of Long-Term Care Administrators convened a telephone conference for consideration of a Consent Order on Thursday, January 13, 2011 at 3:00 p.m.

MEMBERS PRESENT VIA TELEPHONE:

Ted LaNeave, NHA, Chair
Kathy Fletcher, MSN
Martha Hunt, ALFA

Tom Orsini, NHA
Bertha Simmons, NHA, ALFA

MEMBERS ABSENT:

Gracie Bowers, Citizen Member

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Kathy Truesdale, Discipline Operations Manager
Mykl Egan, Adjudication Specialist, Administrative Proceedings Division

MEMBERS FROM THE ATTORNEY GENERAL'S OFFICE PRESENT:

James Schliessmann, Assistant Attorney General, OAG
Amy Marschean, Senior Assistant Attorney General, OAG Board Counsel

MATTER SCHEDULED

Respondent: Colleen Seaman, NHA
License No: 1701-002197
Case Number: 121940

INTRODUCTION

Ms. Hahn opened the meeting by thanking everyone for their time and summarized the topic for consideration in today's telephone conference.

CALLED TO ORDER

Mr. LeNeave called the meeting to order at 3:08 p.m.

ROLL CALL

A roll call was taken with five (5) members of the Board participating, a quorum was established. Mr. LeNeave noted that due to the urgency of this matter and the inability for all Board members to assemble in person, we must hold this conference telephonically pursuant to 54.1-2400(13) of the Code of Virginia.

MEETING

Mr. Schliessmann explained what had been negotiated for this Consent Order and asked for the Board to accept the Consent Order as amended, deeming it a fair and equitable way to resolve this matter.

ACTION

Ms. Hunt moved that the Consent Order offered by the Commonwealth and Colleen Seaman be accepted as presented.

The motion was seconded by Ms. Simmons and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this full board conference call.

ADJOURNMENT

With no further business the meeting adjourned at 3:18 p.m.

Ted LeNeave, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

**UNAPPROVED 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, March 15, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

The following members were present:

Mary M. Smith, NHA, Chair
John Randolph Scott, NHA, ALFA, Vice-Chair
Ted A. LeNeave, NHA
Martha H. Hunt, ALFA
Kathleen R. Fletcher, MSN
Thomas J. Orsini, NHA
Dianne L. Denny, ALFA

The following members were absent:

Bertha Simmons, NHA, ALFA
Gracie Bowers

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

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Dr. Dianne Reynolds-Cane, Agency Director
Arne W. Owens, 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 7 members present & consisting of at least one citizen member, a quorum was established.

Guests Present:

Beverley Sobel, VHCA
Dana Parsons, VANHA

CALLED TO ORDER

Ms. Smith, Chair, called the Board meeting to order at 10: 40 a.m.

WELCOME

Ms. Smith, Chair welcomed Dianne Denny as the new member to the Board of Long Term Care Administrators and then asked all the members to introduce themselves.

PUBLIC COMMENT PERIOD

There was no public comment.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. LeNeave and properly seconded by Ms. Hunt, the Board voted to accept the minutes of the board meeting on December 6, 2010. The motion passed unanimously.

A revision was later suggested by Ms. Yeatts to change Adoption of NOIRA Related to Fee Adjustments to Adoption of Proposed Regulations Related to Fee Adjustments. Motion was made by Mr. LeNeave and properly seconded by Ms. Hunt to reconsider the amended minutes. The motion passed unanimously.

Upon a motion by Mr. LeNeave and properly seconded by Ms. Hunt, the Board voted to accept the amended minutes of the meeting on December 6, 2011. The motion passed unanimously.

Upon a motion by Mr. LeNeave and properly seconded by Ms. Fletcher, the Board voted to accept the Formal Hearing Minutes dated December 6, 2010. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn began her report by wishing everyone a happy “National Long Term Care Administrators” week. She also indicated that with such a light agenda the meeting would have been cancelled, but because two hearings were already scheduled, it made sense to hold the meeting.

Expenditure & Revenue Summary FY11

The cash balance as of June 30, 2010 was \$(98,946); the revenue for Fiscal Year 11 was \$33,940; direct and allocated expenditures were \$310,357; the ending cash balance as of January 31, 2011 was \$(375,363).

Ms. Hahn gave a synopsis of the two factors most directly impacting the budget deficit which were VITA costs and Investigative costs. Dr. Reynolds-Cane commented that she was

working diligently with the Secretary's office and VITA to find solutions and ways of reducing the exorbitant charges to the Agency. Additionally, Ms. Hahn stated that the regulations for the fee increase were still sitting at the Secretary's office and not moving as quickly as the board would like.

Ms. Hahn shared cost saving measures that she has implemented in an effort to help reduce investigatory costs. Most recently, she is working on a "pilot" project which replaces copying large case files onto paper with copying directly onto a computer disc. Ms. Hahn indicated that all large copy projects must first be approved by her before they are sent to the Copy Center. She added that Enforcement is doing a terrific job working in conjunction with the board on how to proceed with a case and gather only what information is necessary. Ms. Hahn is also reviewing all preliminary offline cases to ensure only cases that substantiate a violation or regulation or law are investigated.

Ms. Hahn also mentioned in another effort to reduce costs that we are polling board members about their willingness and ability to bring their personal laptops to meetings rather than being provided with hard copies. Although this method has not been decided upon, the likelihood in light of the budget seems to make sense.

Ms. Hahn concluded that it was very important that the Special Committee on Disciplinary Review work to define protocols for investigating a case so that we can help streamline the process and eliminate unnecessary collection of records. Ms. Smith appointed Martha Hunt as Chair of this Committee.

Discipline Statistics

Ms. Hahn reported there are currently 33 open cases; 16 cases are in Investigations, 14 cases are in the probable cause level, 1 case is in APD, 1 is at the informal stage, and 1 is at the formal stage. She also shared that the board opened 59 cases this year and closed 74 compared to last year in which 89 cases were opened and 57 were closed. Ms. Hahn concluded that the numbers appear to indicate a leveling off of incoming cases.

Virginia Performs

Ms. Hahn reported the clearance rate for the Quarter ending September 30, 2010 was 60%. Ms. Hahn explained that this percentage is determined by how many cases are received versus how many cases the board is able to close. During this quarter we received 20 cases and closed 12. The age of our pending case load over 250 days is at 4%; the customer satisfaction rating achieved was 100%; and licensing within 30 days was at 100%.

Probable Cause Review Sheet

Ms. Hahn provided the members with a copy of the new probable cause review sheet that she revised in an effort to streamline the process. Ms. Hahn stated that the revised form includes more detailed information including previous case history, priority level of the case,

investigative hours already spent on case, and key questions for board members to ask themselves while reviewing the case.

Licensee Statistics

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 70 nursing home administrators in training, 80 assisted living facility administrators in training, 595 assisted living facility administrators, 163 assisted living facility preceptors; 837 nursing home administrators and 231 nursing home preceptors.

Mr. Scott shared his observation that the number of licensed nursing home administrators this year had not increased by many over the past year. Ms. Hahn responded that the number of administrators not renewing was reflected in the statistic and that she would have her staff pull that information and provide back to the board.

OTHER BUSINESS

Ms. Hunt brought forward a concern to the board about the DSS Risk Assessment being used in Assisted Living Facilities. She expressed concern that it is confusing and difficult to understand for both the facilities and the DSS Inspectors. Ms. Hahn recommended that the board invite DSS to attend the next board meeting to better explain the process.

Ms. Hahn reported that she and Ted LeNeave attended the NAB Executive Committee Meeting in Santa Rosa, California March 3-4, 2011.

Ms. Hahn shared that as the Chair of the NAB State Governance and Regulatory Issues Committee, she will be hosting three regional conference calls with NAB on March 29, 2011. The calls are designed specifically to provide members with an update on NAB activities between their in person Annual and Mid-Year meetings, and to provide those who cannot attend a meeting in person to have the opportunity to interact with NAB's leadership.

Ms. Hahn shared that the University of Wisconsin-Eau Claire received a grant from the Commonwealth Fund and NAB to conduct a practicum site quality profile for LTC administration programs.

Mr. LeNeave shared that he is on a NAB Reciprocity Committee whose main focus is to get Administrators that are already licensed to move easier into other states.

Ms. Hahn handed out the new NAB Brochure for the members to review at their convenience.

2011 Calendar

Ms. Hahn stated the remaining 2011 board meetings were scheduled for June 21st, September 13th, and December 13th. Following this announcement, it was recommended that

the board reschedule the June 21st meeting to a date in July due to the requirements of the new law. The law requires the board to begin promulgating regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed. Since the law goes into effect July 1st, it makes sense for the board to meet after July 1st. Ms. Hahn stated that we would look at the schedule and availability and get back to the board.

NEW BUSINESS

Legislative & Regulatory Reports – Elaine Yeatts

Ms. Yeatts gave a brief overview of the following 2011 General Assembly Bills; **HB 1459, HB 1535, HB 1862, HB 1968, HB 2037, HB 2216, SB 1117, SB 1147, SB 1093, SB 1917.**

Ms. Yeatts further discussed SB1917 (amendment to reporting requirement to include administrators of assisted living facilities) and SB 1093 (An Act to amend and reenact §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia, relating to administration of assisted living facilities) and recommended that as the board considers how to implement the new law, it should focus particularly on the supervision of the preceptor in an administrator-in-training program in which the trainee is an acting administrator. Ms. Yeatts requested that the members forward any suggestions to her or Ms. Hahn prior to the next meeting.

Ms. Yeatts concluded by suggesting that the Regulatory/Legislative Committee meet prior to the July board meeting.

ELECTION OF OFFICERS

In anticipation of upcoming changes to board membership, Mary Smith, Board Chair suggested that the election of officers be deferred to the next full board meeting.

CONCLUSION

Ms. Hahn stated that she would consult with Ms. Smith, Board Chair and the calendar availability for the Special Committee meetings and let the members know the date and time once confirmed.

Mr. LeNeave thanked Mary Smith for her years of hard work and dedication while on the board and for a job very well done.

ADJOURNMENT

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

Mary Smith, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

DRAFT UNAPPROVED

**VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
FORMAL HEARING MINUTES**

Tuesday, March 15, 2011 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 1:03 p.m.

MEMBERS PRESENT: Mary Smith, NHA, Chair
Randy Scott, NHA, ALFA
Tom Orsini, NHA
Ted LeNeave, NHA
Dianne Denny, ALFA

BOARD COUNSEL: Amy Marschean, Senior Assistant Attorney General

STAFF PRESENT: Lisa R. Hahn, Executive Director
Kathy Truesdale, Discipline Operations Manager

COURT REPORTER: Farnsworth & Taylor Reporting

**PARTIES ON BEHALF OF
COMMONWEALTH:** David Kazzie, Adjudication Specialist

**COMMONWEALTH
WITNESS:** Kim Martin, RN, DHP Senior Investigator
Glenda Ames, Licensing Inspector, VA Dept. DSS
Lisa Mitchell, Employee of Shepard's Village

MATTER SCHEDULED: **Corinne Greene, ALFA**
License No.: 1706-000516
Case No.: 132618

PRELIMINARY MATTERS: The Chair noted that the time was 1:04 p.m. and Ms. Greene was scheduled to appear before the Board at 1:00 p.m., however, it appeared that she was not present.

Mr. Kazzie advised that no communication had been received from Ms. Greene and presented an affidavit signed by the Executive Director of the Board attesting that the Notice of Formal Hearing was sent to Ms. Greene's

address of record with the Board by certified and 1st class mail.

RULING:

Based on the information provided by Mr. Kazzie, the Chair ruled that proper notice was made to Ms. Greene; therefore the formal hearing would proceed in her absence. Further, the affidavit would be marked as Commonwealth's Exhibit #4, and admitted into evidence.

DISCUSSION:

Ms. Greene did not appear before the Board in person in accordance with the Board's Notice of Formal Hearing dated February 15, 2011. Ms. Greene was not represented by counsel.

The Board received evidence and sworn testimony from the parties called by the Commonwealth regarding the matters as set forth in the Statement of Particulars.

Record also reflects that Ms. Greene did submit written responses to the matters as set forth in the Statement of Particulars on her behalf.

CLOSED SESSION:

Upon a motion by Mr. LeNeave, and duly seconded by Mr. Orsini, the Board voted to convene a closed meeting at 2:08 P.M., pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Corinne Greene, ALFA. Additionally, she moved that Ms. Hahn, Ms. Truesdale, and Ms. Marschean attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Upon a motion by Ms. Denney, and duly seconded by Mr. Orsini, the Board voted to re-convene at 2:46 P.M. and announced its decision.

CERTIFICATION:

Mr. LeNeave certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, with the Board certifying unanimously.

DECISION:

Upon a motion by Mr. LeNeave, and duly seconded by Mr. Orsini, the Board made certain Findings of Fact and Conclusions of Law and voted to REVOKE the license Ms. Greene.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 2:52 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.

Mary Smith, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

DRAFT UNAPPROVED

**VIRGINIA BOARD OF LONG-TERM ADMINISTRATORS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

Tuesday, March 15, 2011 **Department of Health Professions** **Henrico, Virginia**
Perimeter Center
9960 Mayland Drive, Suite #300

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 1:08 p.m.
- MEMBERS PRESENT:** Martha Hunt, ALFA, Chair
 Kathy Fletcher, MSN
- DHP STAFF PRESENT:** Missy Currier, Board Operations Manager
 Anne Joseph, Deputy Director, APD
- OTHERS PRESENT:** Clarence Baker, Westhaven Manor
 Deborah Lawyer, Westhaven Manor
- MATTER:** **Ramallah B. Mann, ALFA**
 License No.: 1706-000098
 Case No.: 129402
- DISCUSSION:** Ms. Mann appeared before the Committee in person in accordance with a Notice of the Board dated February 15, 2011. Ms. Mann was not represented by counsel.
- The Committee fully discussed the allegations in the Notice with Ms. Mann.
- CLOSED SESSION:** Upon a motion by Ms. Fletcher, and duly seconded by Ms. Hunt, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ramallah Mann, ALFA. Additionally, she moved that Ms. Currier and Ms. Joseph attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.
- RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session.
- DECISION:** Upon a motion by Ms. Fletcher, and duly seconded by Ms. Hunt, the Committee made certain Findings of Fact and voted

to impose a reprimand against Ms. Mann's license. Ms. Mann will also need to provide to the Board within six months from Order entry evidence that she has successfully completed a Board-approved medication aide training course.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 2:45 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Ms. Mann, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Mann, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Martha H. Hunt, ALFA, Chair

Lisa R. Hahn, Executive Director

Date

Date

**UNAPPROVED MINUTES
VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS
DISCIPLINARY REVIEW COMMITTEE
MEETING MINUTES**

The Virginia Board of Long Term Care Administrators convened for a Disciplinary Review Committee meeting on Monday, June 13, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

The following members were present:

Mary M. Smith, NHA
John Randolph Scott, NHA, ALFA
Thomas J. Orsini, NHA

DHP staff present for the meeting included:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Pamela Twombly, Regional Enforcement Manager
Patricia Dewey, Senior Intake Analyst
Kathy Truesdale, Discipline Manager
Missy Currier, Board Operations Manager

Quorum:

With 3 committee members present, a quorum was established.

CALLED TO ORDER

Mary Smith called the meeting to order at 9:35 a.m.

PUBLIC COMMENT PERIOD

There was no public comment.

BUSINESS

Ms. Hahn reviewed the agenda package with the committee and stated that the purpose was to streamline the way cases are investigated and to obtain a better understanding of what information is required in order for the board to effectively review and make case decisions. Ms. Hahn stated that in light of the budget deficit and the high costs of investigating cases, the board needs to identify pertinent information and avoid unnecessary expenses.

Pamela Twombly gave an informative explanation of the investigators duties and requirements with the Department of Health Professions.

Martha H. Hunt, Chair arrived at 9:48 a.m.

Review Sample Cases

Sample cases with different scenarios were reviewed with discussion following regarding what information would be helpful in making those particular case decisions.

Enforcement Division Investigative Case Planning Tool

The Committee reviewed and discussed the information provided.

The Committee requested that including more detailed information on the summary sheet would be of great assistance and may alleviate some of the confusion that often occurs with voluminous cases such as:

- Type of Facility
- Number of Beds and types of units in facility
- How long the facility has been licensed
- How long has the administrator been at the facility
- How many owners in the past few years
- Organizational and reporting structure of the facility
- How has the administrator addressed the alleged allegations
- Previous inspection reports during administrator's tenure.

The decision was made to have staff draft a revised summary sheet to share with Enforcement and the full Board.

CONCLUSION

Ms. Hahn stated that she would be happy to participate in a meeting with investigators regarding charging time to cases more efficiently.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 11:30 a.m.

Martha Hunt, ALFA, Chair

Lisa R. Hahn, Executive Director

Date

Date

**UNAPPROVED MINUTES
VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS
REGULATORY/LEGISLATIVE COMMITTEE
MEETING MINUTES**

The Virginia Board of Long Term Care Administrators convened for a Regulatory/Legislative Committee meeting on Monday, June 13, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

The following members were present:

Ted LeNeave, Chair
John Randolph Scott
Gracie Bowers

DHP staff present for the meeting included:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Kathy Truesdale, Discipline Manager
Missy Currier, Board Operations Manager

Quorum:

With 3 committee members present, a quorum was established.

CALLED TO ORDER

Ted LeNeave called the meeting to order at 1:18 p.m.

PUBLIC COMMENT PERIOD

There was no public comment.

SB1903 – Acting Administrator for Assisted Living Facilities

Ms. Yeatts gave a thorough overview of §54.1-3101.1 and §63.2-1803; the new law that becomes effective on July 1, 2011 regarding “Acting” Administrators in Assisted Living Facilities (attached).

Bertha Simmons arrived at 1:30 p.m.

Ms. Hahn explained 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.

Following discussion, the board made the following recommendations to bring before the full board for consideration during the July 7, 2011 meeting:

- Application must be received by “Acting Administrator” within 10 days of employment
- 150 days to complete the AIT program
- A 30 day extension will be allowed only if the “Acting” is awaiting exam results
- Program must be under the supervision of a licensed Preceptor
- The “Acting Administrator” must display a paper registration issued by the board in a conspicuous place in the facility in which they are serving.
- The Preceptor must display a paper license issued by the board in a conspicuous place in the facility in which they are responsible for the “Acting”.
- The Preceptor must be present in the facility with the “Acting” for a minimum of two hours per week.
- The most recent DSS survey report must be submitted with the “Acting’s” application for licensure as an Assisted Living Facility Administrator.

The Committee also suggested that a new application and program acceptance letter be drafted for “Acting” Administrator in training programs in order to differentiate the terms and the expiration date.

Initiation of Periodic Review – Chapter 20, Regulations for Nursing Home Administrators

Ms. Yeatts shared that she will be issuing a Notice to the public for comment on whether there is a need for regulatory amendments for clarification or for consistency. She specified that the comment period will begin on August 1, 2011 and end on September 1, 2011.

Guidance Document Review

Ms. Yeatts stated that there were several Guidance Documents which needed updating. The Committee recommended that Staff make the revisions and bring to the full board meeting on July 7, 2011.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 2:30 p.m.

Ted LeNeave, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

Attachment

CHAPTER 609

An Act to amend and reenact §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia, relating to administration of assisted living facilities.

[S 1093]

Approved March 25, 2011

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia are amended and reenacted as follows:

§ 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, becomes ill, resigns, or is discharged, or becomes unable to perform his duties, the assisted living facility that was administered by him at the time of his death, illness, resignation, or discharge may continue to operate until his successor qualifies, but in no case for longer than is permitted by the licensing authority for the facility with an acting administrator in accordance with the provisions of § 63.2-1803. The temporary supervisor of administrator facility shall immediately notify the Board of Long-Term Care Administrators and the Commissioner 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.

§ 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 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 one time 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 one time 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.

2. That the Board of Long-Term Care Administrators shall promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed as long-term care administrators by a preceptor registered or recognized by the Board.

DRAFT UNAPPROVED

**VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

Monday, June 13, 2011

**Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite #300**

Henrico, Virginia

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 1:10 p.m.
- MEMBERS PRESENT:** Tom Orsini, NHA Chair
Martha Hunt, ALFA
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Kathy Truesdale, Discipline Operations Manager
David Kazzie, APD
- MATTER:** **Alice Hartless, ALFA**
License No.: 1706-000554
Case No.: 131545
- DISCUSSION:** Ms. Hartless did not appear before the Committee in person in accordance with a Notice of the Board dated April 4, 2011. Said notice was signed for by Ms. Hartless on April 5, 2011. Ms. Hartless was not represented by counsel.
- The Committee reviewed the allegations in the Notice.
- CLOSED SESSION:** Upon a motion by Ms. Hunt, and duly seconded by Mr. Orsini, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Alice Hartless, ALFA. Additionally, he moved that Ms. Helmick, Ms. Truesdale and Mr. Kazzie attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 1:13 p.m.
- RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 1:31 p.m.
- DECISION:** Upon a motion by Ms. Hunt, and duly seconded by Mr. Orsini, the Committee made certain Findings of Fact and voted to, upon renewal of said license, impose two years of probation,

and eight hours of continuing education in medication administration in an assisted living facility.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 1:35 p.m.

Tom Orsini, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

.....

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 2:03 p.m.

MEMBERS PRESENT: Tom Orsini, NHA Chair
Martha Hunt, ALFA

DHP STAFF PRESENT: Lynne Helmick, Deputy Executive Director
Kathy Truesdale, Discipline Operations Manager
David Kazzie, APD

OTHERS PRESENT: Jannie Griffen

MATTER: Eugene Richardson, ALFA
License No.: 1706-000482
Case No.: 133848

DISCUSSION: Mr. Richardson appeared before the Committee in person in accordance with a Notice of the Board dated May 11, 2011. Mr. Richardson was not represented by counsel.

The Committee fully discussed the allegations in the Notice with Mr. Richardson.

CLOSED SESSION: Upon a motion by Ms. Hunt, and duly seconded by Mr. Orsini, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Eugene Richardson, ALFA. Additionally, he moved that Ms. Helmick, Ms. Truesdale and Mr. Kazzie attend the closed meeting because their presence in the closed meeting was deemed

necessary and would aid the Committee in its discussions. The Committee entered into closed session at 2:47 p.m.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 3:50 p.m.

DECISION:

Upon a motion by Ms. Hunt, and duly seconded by Mr. Orsini, the Committee made certain Findings of Fact and voted to impose indefinite probation for no less than two years, a two hundred and fifty dollar monetary penalty due within sixty days of entry of the Order and other terms and conditions.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 3:56 p.m.

Tom Orsini, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date

Tab 2

Virginia Department of Health Professions
Cash Balance
As of May 31, 2011

	<u>114- Long Term Care Administrators</u>
Cash Balance as of June 30, 2010	\$ (98,946)
YTD FY11 Revenue	352,990
Less: YTD FY11 Direct and In-Direct Expenditures	<u>454,140</u>
Cash Balance as of May 31, 2011	<u><u>\$ (200,096)</u></u>

Virginia Dept. of Health Professions Revenue and Expenditure Summary

July 1, 2010 through May 31, 2011 114- Long-Term Care Administrat

	<u>Jul '10 - May 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Revenue				
2400 · Fee Revenue				
2401 · Application Fee	46,755.00	46,450.00	305.00	100.66%
2402 · Examination Fee	0.00			
2406 · License & Renewal Fee	302,290.00	309,000.00	-6,710.00	97.83%
2407 · Dup. License Certificate Fee	290.00	75.00	215.00	386.67%
2408 · Board Endorsement - In	0.00			
2409 · Board Endorsement - Out	1,100.00	750.00	350.00	146.67%
2421 · Monetary Penalty & Late Fees	2,300.00	955.00	1,345.00	240.84%
2430 · Board Changes Fee	0.00			
2432 · Misc. Fee (Bad Check Fee)	70.00			
Total 2400 · Fee Revenue	<u>352,805.00</u>	<u>357,230.00</u>	<u>-4,425.00</u>	<u>98.76%</u>
3000 · Sales of Prop. & Commodities				
3002 · Overpayments	0.00			
3007 · Sales of Goods/Svces to State	0.00			
3020 · Misc. Sales-Dishonored Payments	185.00			
Total 3000 · Sales of Prop. & Commodities	<u>185.00</u>			
9000 · Other Revenue				
Miscellaneous Revenue	0.00			
Inspection Fees	0.00			
9084 · Refund- Prior Yr Disb	0.00			
Total 9000 · Other Revenue	<u>0.00</u>			
Total Revenue	<u>352,990.00</u>	<u>357,230.00</u>	<u>-4,240.00</u>	<u>98.81%</u>
Expenditures				
1100 · Personal Services				
1110 · Employee Benefits				
1111 · Employer Retirement Contrib.	4,517.80	4,482.00	35.80	100.8%
1112 · Fed Old-Age Ins- Sai St Emp	5,620.70	5,368.00	252.70	104.71%
1113 · Fed Old-Age Ins- Wage Earners	401.21	690.00	-288.79	58.15%
1114 · Group Insurance	706.54	695.00	11.54	101.66%
1115 · Medical/Hospitalization Ins.	5,209.28	7,215.00	-2,005.72	72.2%
1116 · Retiree Medical/Hospitalizatn	722.97	675.00	47.97	107.11%
1117 · Long term Disability Ins	487.05	450.00	37.05	108.23%
Total 1110 · Employee Benefits	<u>17,665.55</u>	<u>19,575.00</u>	<u>-1,909.45</u>	<u>90.25%</u>
1120 · Salaries				
1123 · Salaries, Classified	72,984.78	68,113.00	4,871.78	107.15%
1125 · Salaries, Overtime	0.00			
Total 1120 · Salaries	<u>72,984.78</u>	<u>68,113.00</u>	<u>4,871.78</u>	<u>107.15%</u>
1130 · Special Payments				
1131 · Bonuses and Incentives	2,324.50	2,044.00	280.50	113.72%

**Virginia Dept. of Health Professions
Revenue and Expenditure Summary**

July 1, 2010 through May 31, 2011 14- Long-Term Care Administrat

	<u>Jul '10 - May 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
1138 · Deferred Compnstn Match Pmts	358.50	384.00	-25.50	93.36%
Total 1130 · Special Payments	2,683.00	2,428.00	255.00	110.5%
1140 · Wages				
1141 · Wages, General	5,244.53	9,011.00	-3,766.47	58.2%
1143 · Wages, Overtime	0.00			
Total 1140 · Wages	5,244.53	9,011.00	-3,766.47	58.2%
1150 · Disability Benefits				
1153 · Short-trm Disability Benefits	0.00			
Total 1150 · Disability Benefits	0.00			
1160 · Terminatn Personal Svce Costs				
1162 · Salaries, Annual Leave Balanc	0.00			
1163 · Salaries, Sick Leave Balances	0.00			
1165 · Employee Retirement Contributio	3,632.77	3,406.00	226.77	106.66%
Total 1160 · Terminatn Personal Svce Costs	3,632.77	3,406.00	226.77	106.66%
Total 1100 · Personal Services	102,210.63	102,533.00	-322.37	99.69%
1200 · Contractual Services				
1210 · Communication Services				
1211 · Express Services	91.92	25.00	66.92	367.68%
1212 · Outbound Freight Services	8.83	10.00	-1.17	88.3%
1213 · Messenger Services	0.00			
1214 · Postal Services	2,022.83	2,100.00	-77.17	96.33%
1215 · Printing Services	3.50	500.00	-496.50	0.7%
1216 · Telecommunications Svcs (DIT)	639.19	115.00	524.19	555.82%
1217 · Telecomm. Svcs (Non-State)	0.00			
1219 · Inbound Freight Services	0.00			
Total 1210 · Communication Services	2,766.27	2,750.00	16.27	100.59%
1220 · Employee Development Services				
1221 · Organization Memberships	1,200.00	1,200.00	0.00	100.0%
1222 · Publication Subscriptions	0.00			
1224 · Emp Trning Courses, Wkshp & Cnf	0.00			
1225 · Employee Tuition Reimbursement	0.00			
1227 · Emp Trning- Trns, Ldgng & Meals	0.00			
Total 1220 · Employee Development Services	1,200.00	1,200.00	0.00	100.0%
1230 · Health Services				
1236 · X-ray and Laboratory Services	31.24			
Total 1230 · Health Services	31.24			
1240 · Mgmnt and Informational Svcs				
1242 · Fiscal Services	5,461.67	5,498.00	-36.33	99.34%

Virginia Dept. of Health Professions Revenue and Expenditure Summary

July 1, 2010 through May 31, 2011 ¹⁴- Long-Term Care Administrat

	<u>Jul '10 - May 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
1243 · Attorney Services	0.00			
1244 · Management Services	5.26			
1246 · Public Infrmntl & Relation Svcs	0.00			
1247 · Legal Services	0.00			
1248 · Media Services	0.00			
1249 · Recruitment Services	0.00			
Total 1240 · Mgmnt and Informational Svcs	<u>5,466.93</u>	<u>5,498.00</u>	<u>-31.07</u>	<u>99.44%</u>
1250 · Repair and Maintenance Svcs				
1252 · Electrical Rep & Maintenance	0.00			
1253 · Equip Repair & Maintenance	12.91			
1254 · Extermination/Vector Control	0.00			
1256 · Mechanical Rep & Maint Svcs	1.84			
Total 1250 · Repair and Maintenance Svcs	<u>14.75</u>			
1260 · Support Services				
1261 · Architectural and Engnering Svc	0.00			
1263 · Clerical Services	0.00	0.00	0.00	0.0%
1264 · Food & Dietary Services	452.25	600.00	-147.75	75.38%
1266 · Manual Labor Services	2,554.29	150.00	2,404.29	1,702.86%
1267 · Production Services	12,216.13	500.00	11,716.13	2,443.23%
1268 · Skilled Services	2,792.00	2,741.00	51.00	101.86%
Total 1260 · Support Services	<u>18,014.67</u>	<u>3,991.00</u>	<u>14,023.67</u>	<u>451.38%</u>
1280 · Transportation Services				
1282 · Travel, Personal Vehicle	1,152.13	4,680.00	-3,527.87	24.62%
1283 · Travel, Public Carriers	244.55			
1284 · Travel, State Vehicles	0.00			
1285 · Travel, Subsistence & Lodging	158.31	800.00	-641.69	19.79%
1288 · Trvl, Meal Reimb- Not Rprtble	232.00	400.00	-168.00	58.0%
Total 1280 · Transportation Services	<u>1,786.99</u>	<u>5,880.00</u>	<u>-4,093.01</u>	<u>30.39%</u>
Total 1200 · Contractual Services	<u>29,280.85</u>	<u>19,319.00</u>	<u>9,961.85</u>	<u>151.57%</u>
1300 · Supplies And Materials				
1310 · Administrative Supplies				
1312 · Office Supplies	385.71	400.00	-14.29	96.43%
1313 · Stationery and Forms	0.00	100.00	-100.00	0.0%
Total 1310 · Administrative Supplies	<u>385.71</u>	<u>500.00</u>	<u>-114.29</u>	<u>77.14%</u>
1330 · Manufctrng and Merch Supplies				
1335 · Packaging and Shipping Suppl	4.21			
Total 1330 · Manufctrng and Merch Supplies	<u>4.21</u>			
1340 · Medical and Laboratory Supp.				
1342 · Medical and Dental Supplies	1.55			

**Virginia Dept. of Health Professions
Revenue and Expenditure Summary**

July 1, 2010 through May 31, 2011 14- Long-Term Care Administrat

	<u>Jul '10 - May 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 1340 · Medical and Laboratory Supp.	1.55			
1350 · Repair and Maint. Supplies				
1352 · Custodial Rep & Maint Mat'ls	0.00			
Total 1350 · Repair and Maint. Supplies	0.00			
1360 · Residential Supplies				
1362 · Food and Dietary Supplies	2.65			
1363 · Food Service Supplies	0.00	25.00	-25.00	0.0%
Total 1360 · Residential Supplies	2.65	25.00	-22.35	10.6%
1370 · Specific Use Supplies				
1373 · Computer Operating Supplies	37.90			
Total 1370 · Specific Use Supplies	37.90			
Total 1300 · Supplies And Materials	432.02	525.00	-92.98	82.29%
1400 · Transfer Payments				
Incentives	0.00			
1410 · Awards, Contrib., and Claims				
1413 · Premiums	0.00	200.00	-200.00	0.0%
1415 · Unemployment Compnsatn Reimb	0.00	100.00	-100.00	0.0%
Total 1410 · Awards, Contrib., and Claims	0.00	300.00	-300.00	0.0%
Total 1400 · Transfer Payments	0.00	300.00	-300.00	0.0%
1500 · Continuous Charges				
1510 · Insurance-Fixed Assets				
1516 · Property Insurance	16.08			
1510 · Insurance-Fixed Assets - Other	0.00	110.00	-110.00	0.0%
Total 1510 · Insurance-Fixed Assets	16.08	110.00	-93.92	14.62%
1530 · Operating Lease Payments				
1534 · Equipment Rentals	0.00	600.00	-600.00	0.0%
1535 · Building Rentals	0.00			
1539 · Building Rentals - Non State	5,383.34	5,773.00	-389.66	93.25%
Total 1530 · Operating Lease Payments	5,383.34	6,373.00	-989.66	84.47%
1540 · Service Charges				
1541 · Agency Service Charges	417.86			
Total 1540 · Service Charges	417.86			
1550 · Insurance-Operations				
1551 · General Liability Insurance	57.71			
1554 · Surety Bonds	3.41			
Total 1550 · Insurance-Operations	61.12			

**Virginia Dept. of Health Professions
Revenue and Expenditure Summary**

July 1, 2010 through May 31, 2011¹⁴ - Long-Term Care Administrat

	<u>Jul '10 - May 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 1500 · Continuous Charges	5,878.40	6,483.00	-604.60	90.67%
2200 · Equipment Expenditures				
Electronic & Photo Equip Impr	0.49			
2220 · Educational & Cultural Equip				
2224 · Reference Equipment	0.00			
Total 2220 · Educational & Cultural Equip	<u>0.00</u>			
2230 · Electrnc & Photographic Equip				
2233 · Voice & Data Transmissn Equip	0.00			
Total 2230 · Electrnc & Photographic Equip	<u>0.00</u>			
2260 · Office Equipment				
2261 · Office Appurtenances	6.40			
2262 · Office Furniture	0.77	50.00	-49.23	1.54%
2263 · Office Incidentals	0.00			
2264 · Office Machines	0.00	55.00	-55.00	0.0%
2268 · Office Equipment Improvements	0.00			
Total 2260 · Office Equipment	<u>7.17</u>	<u>105.00</u>	<u>-97.83</u>	<u>6.83%</u>
2270 · Specific Use Equipment				
2271 · Household Equipment	8.02			
Total 2270 · Specific Use Equipment	<u>8.02</u>			
Total 2200 · Equipment Expenditures	<u>15.68</u>	<u>105.00</u>	<u>-89.32</u>	<u>14.93%</u>
Total Expenditures	<u>137,817.58</u>	<u>129,265.00</u>	<u>8,552.58</u>	<u>106.62%</u>
9001 · Allocated Expenditures				
9201 · Behavioral Science Exec	0.00			
9202 · OptVMASLP Exec Dir	0.00			
9204 · Nursing / Nurse Aid	0.00			
9206 · Funera\LTCA\PT	64,530.12	68,221.21	-3,691.09	94.59%
9301 · DP Operations & Equipment	59,334.72	118,641.12	-59,306.40	50.01%
9302 · Human Resources	10,142.74	10,666.56	-523.82	95.09%
9303 · Finance	19,258.41	20,506.08	-1,247.67	93.92%
9304 · Director's Office	9,156.04	10,806.96	-1,650.92	84.72%
9305 · Enforcement	102,088.14	94,940.64	7,147.50	107.53%
9306 · Administrative Proceedings	26,262.19	14,214.24	12,047.95	184.76%
9307 · Impaired Practitioners	146.59	38.04	108.55	385.36%
9308 · Attorney General	10,570.39	4,301.88	6,268.51	245.72%
9309 · Board of Health Professions	6,740.71	8,243.16	-1,502.45	81.77%
9310 · SRTA	0.00			
9311 · Moving Costs	0.00	653.40	-653.40	0.0%
9313 · Emp. Recognition Program	132.07	420.36	-288.29	31.42%
9314 · Conference Center	186.98	416.28	-229.30	44.92%
9315 · Pgm Devlpmnt & Implmntn	3,715.60	4,626.60	-911.00	80.31%

**Virginia Dept. of Health Professions
Revenue and Expenditure Summary**

July 1, 2010 through May 31, 2011 14- Long-Term Care Administrat

	<u>Jul '10 - May 11</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
987900 · Cash Trsfr Out- Appr Act Pt. 3	4,057.46	1,398.24	2,659.22	290.18%
Total 9001 · Allocated Expenditures	316,322.16	358,094.77	-41,772.61	88.34%
Total Direct and Allocated Expenditures	454,139.74	487,359.77	-33,220.03	93.18%
Net Cash Surplus\Shortfall	-101,149.74	-130,129.77	28,980.03	77.73%

Discipline Statistics

7/2011

<i>Investigations</i>	<i>17</i>
<i>Probable Cause</i>	<i>13</i>
<i>APD</i>	<i>2</i>
<i>Informal</i>	<i>1</i>
<i>Formal</i>	
<i>OAG</i>	
<i>Total</i>	<i>33</i>

Virginia Department of Health Professions

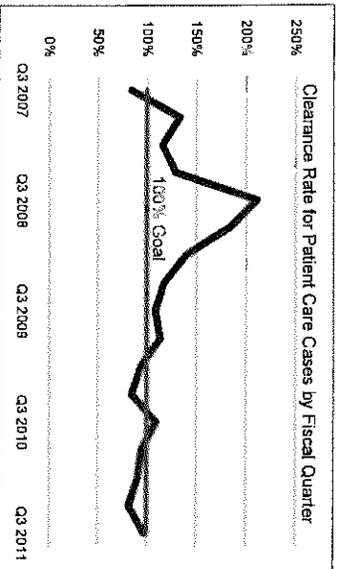
Patient Care Disciplinary Case Processing Times: Quarterly Performance Measurement, Q3 2007 - Q3 2011

Dianne Reynolds-Cane, M.D.
Director

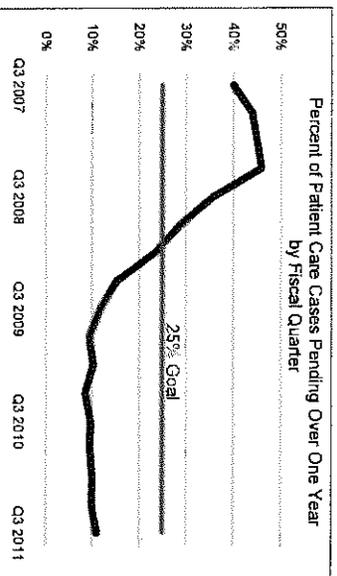
"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."
DHP Mission Statement

In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website, in biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs). KPMs offer a concise, balanced, and date-based way to measure disciplinary case processing. These three measures, taken together, enable staff to identify and focus on areas of greatest importance in managing the disciplinary caseload: Clearance Rate, Age of Pending Caseload and Time to Disposition uphold the objectives of the DHP mission statement. The following pages show the KPMs by board, listed in order by caseload volume; volume is defined as the number of cases received during the previous 4 quarters. In addition, readers should be aware that vertical scales on the line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

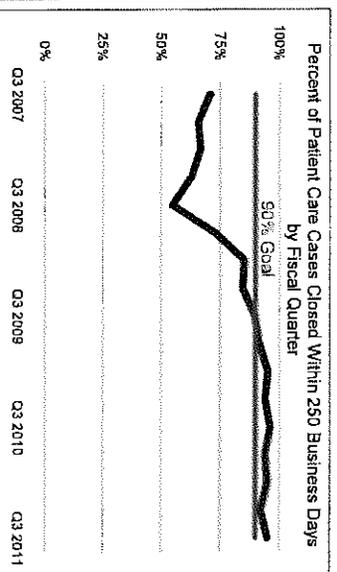
Clearance Rate - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal was to achieve a 100% clearance rate of allegations of misconduct by the end of FY 2009 and maintain 100% through the end of FY 2010. The current quarter's clearance rate is 97%, with 983 patient care cases received and 957 closed.



Age of Pending Caseload - the percent of open patient care cases over 250 business days old. This measure tracks the backlog of patient care cases older than 250 business days to aid management in providing specific closure targets. The goal is to reduce the percentage of open patient care cases older than 250 business days to no more than 25% by the end of FY 2010. The percent of cases pending over 250 business days has dropped dramatically over the few years, falling from 45% to 11%. For the last quarter shown, there were 1,986 patient care cases pending, with 220 pending over 250 business days.



Time to Disposition - the percent of patient care cases closed within 250 business days for cases received within the preceding eight quarters. This moving eight-quarter window approach captures the vast majority of cases closed in a given quarter and effectively removes any undue influence of the oldest cases on the measure. The goal is to resolve 90% of cases related to patient care within 250 business days by the end of FY 2010. The percent of cases resolved within 250 business days was 95% during the past quarter, exceeding the 90% goal for nine consecutive quarters. During the last quarter, there were 953 patient care cases closed, with 905 closed within 250 business days.

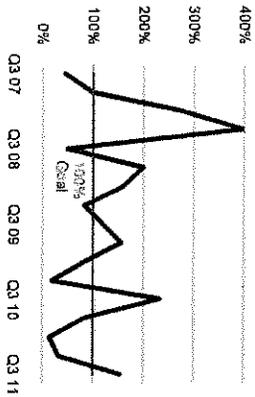


Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

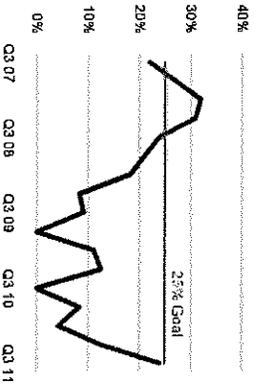
Clearance Rate

Psychology - In Q3 2011, the clearance rate was 154%, the Pending Caseload older than 250 business days was 24% and the percent closed within 250 business days was 100%.

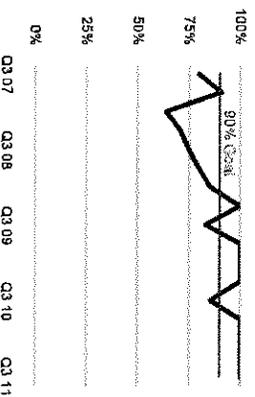
Q3 2011 Caseloads:
 Received=13, Closed=20
 Pending over 250 days=6
 Closed within 250 days=20



Age of Pending Caseload (percent of cases pending over one year)



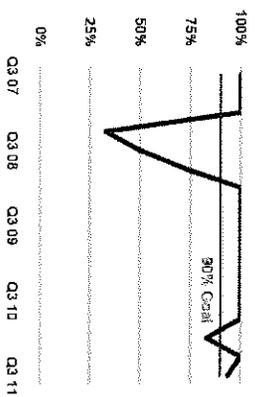
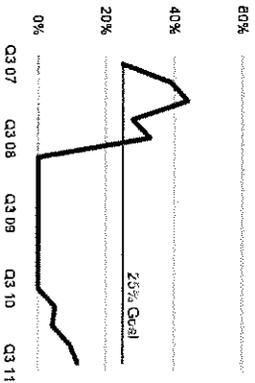
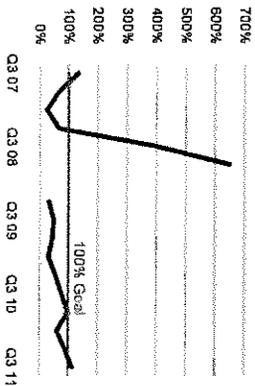
Percent Closed in 250 Business Days



Long-Term Care

Administrators - In Q3 2011, the clearance rate was 114%, the Pending Caseload older than 250 business days was 12% and the percent closed within 250 business days was 94%.

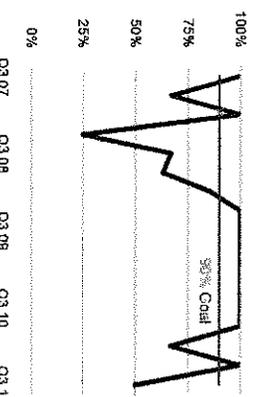
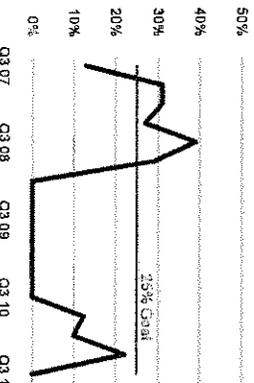
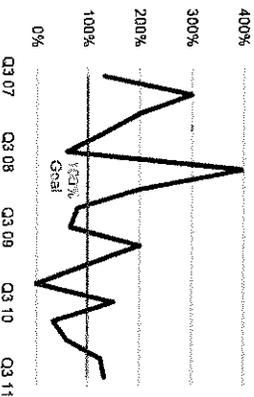
Q3 2011 Caseloads:
 Received=14, Closed=16
 Pending over 250 days=4
 Closed within 250 days=15



Optometry

In Q3 2011, the clearance rate was 133%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 50%.

Q3 2011 Caseloads:
 Received=3, Closed=4
 Pending over 250 days=0
 Closed within 250 days=2



Note: Vertical scales on line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

Key Performance Measures

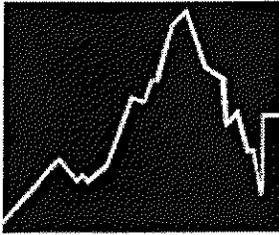
	Clearance Rate	Percent of Pending Case Load Older than 250 Business Days	Percent of Patient Care Cases Resolved within 250 Working Days	Percent of Customer Satisfaction	Percent of Initial Applications Processed within 30 Days of Completion
Long Term Care Administrator	114%	12%	94%	92.6% (6)	100.0%
AGENCY	97%	11%	95%	95.2% (472)	99.9%

Long Term Care Administrators

License Count Report

7/2011

<i>NHA Administrator in Training</i>	<i>69</i>
<i>ALF Administrator in Training</i>	<i>89</i>
<i>Nursing Home Administrator</i>	<i>788</i>
<i>Assisted Living Facility Administrator</i>	<i>567</i>
<i>Nursing Home Preceptor</i>	<i>218</i>
<i>Assisted Living Facility Preceptor</i>	<i>151</i>
<i>Total</i>	<i>1,882</i>



COMMONWEALTH OF VIRGINIA Board of Long-Term Care Administrators

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

E-Mail: LTC@dhp.virginia.gov
Website: www.dhp.virginia.gov
Phone: 804-367-4595

Acting Administrator Assisted Living Facility Administrator-In-Training Application Application Fee - \$ 185.00

The application fee may be a check or money order made payable to the Treasurer of Virginia. **All fees are non-refundable.**
A maximum of 40 hours per week may be credited toward completion of the AIT program.

1. PERSONAL INFORMATION (Please Print or Type) Provide Legal Full Name

First Name	Middle Name and Maiden Name	Last Name and Suffix	
Social Security No. or VA DMV Control No.*	Date of Birth (MM/DD/YEAR)	Place of Birth (City and State)	
Address of Record: Street	City	State	ZIP Code
Alternate Public Address: Street	City	State	ZIP Code
Business Name & Address: Street	City	State	ZIP Code
<p>ADDRESS: Virginia law allows persons regulated by boards within the Department of Health Professions to provide an alternative address for public disclosure if they want their address of record to remain confidential, used only for agency purposes. Health professionals may choose to provide a work address, a post office box, or a home address as the public address. If an alternative public address is not provided, the address of record will also be used as the public address and may be disclosed if specifically requested. However addresses of individuals <u>are not posted</u> on the "License Lookup" program available through the board's website.</p>			
Home Phone:	Work Phone:	Mobile Phone:	
E-Mail Address:			

Submit address changes in writing immediately. Attach check or money order made payable to the Treasurer of Virginia. Applications will not be processed without the fee or vice versa. Incomplete applications **WILL BE RETURNED**. Applications will remain in process no longer than **one (1) year**. If, at the end of one (1) year, a license is not issued, the application file is **destroyed**. An applicant shall reapply for licensure, submit fees, required documentation, and meet the qualifications for licensure in effect at the time of the new application.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	APPLICANT NUMBER	RECEIPT NUMBER	FEE	Last Date of Employ. of Licensed Administrator
----------------	------------------	----------------	-----	--

*In accordance with §54.1-116 Code of Virginia, you are required to submit your Social Security Number or your control number** issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other state agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

**In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure to DMV of your Social Security Number will be required to obtain this number.

2. EDUCATION			
Have you received a passing grade on a total of 60 semester hours of education from an accredited college or university? <input type="checkbox"/> Yes <input type="checkbox"/> No Provide official transcripts; NO COPIES OR FAXES.			
University/College, City, State	Dates Attended	Degree	Area of Coursework
3. MODIFIED PROGRAM REQUEST			
Do you meet one of the following criteria's for a modified program? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes , please specify with a <input checked="" type="checkbox"/> . Verify educational background with official transcripts, and where applicable employment verification must be documented on employer letterhead with original employer signature. NO COPIES OR NO FAXES will be accepted.			
<input type="checkbox"/>	Complete at least thirty (30) semester hours in an accredited college or university in any subject. 640 hour program within 24 months required.		
<input type="checkbox"/>	Complete an educational program as a licensed practical nurse and hold a current unrestricted license or multistate license privilege. 640 hour program within 24 months required.		
<input type="checkbox"/>	Complete an educational program as a registered nurse and hold a current, unrestricted license or multistate licensure privilege as prescribed in 18VAC95-30-100. 480 hour program within 24 months required.		
<input type="checkbox"/>	Complete an educational program as a licensed practical nurse and hold a current, unrestricted license with an administrative level supervisory position for 1 out of the last 4 years in a long-term care facility. 480 hour program within 24 months required.		
<input type="checkbox"/>	Hold a master's or baccalaureate degree in a field unrelated to healthcare administration. 480 hour program within 24 months required.		
<input type="checkbox"/>	Complete at least thirty (30) semester hours in an accredited college or university with courses in the specific content areas of (i) client/resident care; (ii) human resources management; (iii) financial management; (iv) physical environment, and (v) leadership and governance. 320 hour program within 24 months required.		
<input type="checkbox"/>	Completed an educational program as a registered nurse and hold a current, unrestricted license with an administrative level supervisory position for 1 out of the last 4 years in a long-term care facility. 320 hours program within 24 months required.		
<input type="checkbox"/>	Baccalaureate or higher degree unrelated to health care and a completed certificate program with 21 semester hours in a health care related field. 320 hours program within 24 months required.		
<input type="checkbox"/>	Completed 30 semester hours in an accredited college or university in any subject and full-time employment for 1 out of the last 4 years as an assistant administrator in a long-term care facility or as a hospital administrator. 320 hour program within 24 months required.		
<input type="checkbox"/>	Hold a master's or baccalaureate degree in health care administration or a comparable field with no internship. 320 hour program within 24 months required.		
4. ADMINISTRATOR-IN-TRAINING SUPERVISION			
Preceptor Full Name:		Preceptor License Number	
Facility Name:	City	State	Zip Code
Street:			
Phone Number ()			
<input type="checkbox"/> I HAVE ATTACHED AN INDIVIDUALIZED PROGRAM (Domains of Practice Form)			

QUESTIONS MUST BE ANSWERED. If any of the following questions (5-9) are answered Yes, explain and substantiate

with documentation. Letters must be submitted by your attorney regarding the actions or submit court documents of final disposition.

5. Have you ever had any disciplinary actions taken against your license to practice as an Administrator and/or is any such action pending by a licensing board or professional organization? If **yes**, submit notices, orders, etc., from the regulatory authority authorized to take such actions. YES NO

6. Have you ever been denied issuance of, refused renewal of a license, or the privilege of taking an examination by any state licensing/regulatory board? If **yes**, submit notices, orders, etc., from the regulatory authority authorized to take such actions. YES NO

7. Have you ever been convicted of a violation of/or pled Nolo Contendere to any federal, state, or local statute, regulations, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? **Including** convictions for driving under the influence; excluding traffic violations. YES NO

Attach your state criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, explanation of events surrounding conviction(s), and any other information you wish to be considered with your application (i.e. information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.). Include an explanation surrounding the violation(s).

8. Have you been physically or emotionally dependent upon the use of alcohol/ drugs or treated by, consulted with, or been under the care of a professional for any substance abuse within the last two years? If **yes**, please provide a letter from the treating professional, on letterhead, to include diagnosis, treatment, prognosis and fitness to practice. YES NO

9. Do you have a physical disease, mental disorder, or any condition, which could affect your performance of professional duties? If **yes**, please provide a letter from the treating professional, on letterhead, to include diagnosis, treatment, prognosis and fitness to practice. YES NO

10. AFFIDAVIT OF APPLICANT

(THIS SECTION MUST BE NOTARIZED)

I, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents. Further, I consent to a thorough investigation of my education, employment record, and other information that may be necessary to verify my qualification for practice as a Nursing Home Administrator. I will at all times abide by the laws of the Commonwealth and Regulations of the Board of Long-Term Care Administrators governing such practice. I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension, or revocation of my license to practice in the Commonwealth of Virginia.

I also attest that I have read and understand the Virginia Board of Long-Term Care Administrators regulations and statutes governing the practice of Assisted Living Facility Administrators effective July 1, 2011.

In addition, I understand that a maximum of 40 hours per week can be credited toward completion of the AIT program.

Signature of Applicant

City/County of _____ State of _____

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission expires _____

Signature of Notary Public

NOTARY SEAL

Currier, Missy (DHP)

From: Hahn, Lisa R. (DHP)
Sent: Tuesday, June 14, 2011 10:28 AM
To: Artis, Ann B. (DHP); Currier, Missy (DHP); Helmick, Lynne (DHP); Truesdale, Kathy (DHP)
Subject: FW: "BARRIER CRIMES FOR LICENSED ASSISTED LIVING FACILITIES AND ADULT DAY CARE CENTERS"

Lisa R. Hahn, MPA, Executive Director
Department of Health Professions
Board of Funeral Directors and Embalmers
Board of Long Term Care Administrators
Board of Physical Therapy
9960 Mayland Drive, Suite 300
Henrico, VA 23233
(804) 367-4400
Fax:(804) 527-4413

From: Williams, Edwina (VDSS) [<mailto:edwina.williams@dss.virginia.gov>]
Sent: Friday, June 10, 2011 1:45 PM
To: licensinglistserv@virginiainteractive.org
Subject: "BARRIER CRIMES FOR LICENSED ASSISTED LIVING FACILITIES AND ADULT DAY CARE CENTERS"

This file is being sent to providers of assisted living facilities and adult day care centers from the Virginia Department of Social Services Email Distribution Service.

Please do not reply to this email.

This email is to notify you that the document "BARRIER CRIMES FOR LICENSED ASSISTED LIVING FACILITIES AND ADULT DAY CARE CENTERS" has been updated as of 05/2011. The document may be found on the public website of the Virginia Department of Social Services at:
http://www.dss.virginia.gov/files/division/licensing/alf/intro_page/current_providers/background_investigations/barrier_crimes.pdf

The following three crimes have been added to the list of barrier crimes:

- 18.2-36.2 - Involuntary manslaughter; operating a watercraft while under the influence
- 18.2-51.5 - Maiming, etc. of another resulting from operating a watercraft while intoxicated
- 18.2-67.4:2 - Sexual abuse of a child under 15 years of age

Please contact your licensing inspector if you have any questions regarding the list of barrier crimes.

NAB TESTING STATISTICS

Snapshot of Virginia Candidates Test Performance				
	RC/AL	%	NHA	%
Total Tested Candidates	3,141		1,130	
Of the Total Tested - the number and percentage who pass	2,333	74%	873	77%
Out of the Total Passing Candidates:				
The number & percentage who pass on the first attempt	2,165	93%	808	93%
The number & percentage who pass on the second attempt	60	3%	42	5%
Out of the total tested - the number who have not passed after multiple attempts	53	2%	40	4%

Tab 3

Notice of Periodic Review of Regulations Request for Comment

Review Announcement: The Board of Long-Term Care Administrators within the Department of Health Professions is preparing to conduct a periodic review of its regulations for Nursing Home Administrators.

18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators

The Board is receiving comment on whether there is a need for amendments for clarification and for consistency with changes in law and practice.

Comment Begins: August 1, 2011

Comment Ends: September 1, 2011

If any member of the public would like to comment on these regulations, please send comments by the close of the comment period to:

Elaine J. Yeatts
Agency Regulatory Coordinator
Department of Health Professions
9960 Mayland Drive, Suite 300
Richmond, VA 23233

Comments may also be e-mailed to: elaine.yeatts@dhp.virginia.gov or faxed to: (804) 527-4434

Regulations for the Board of Long-Term Care Administrators may be viewed on-line at www.townhall.virginia.gov or www.dhp.virginia.gov or copies will be sent upon request.

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 609

An Act to amend and reenact §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia, relating to administration of assisted living facilities.

[S 1093]

Approved March 25, 2011

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia are amended and reenacted as follows:

§ 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, becomes ill, resigns, or is discharged, or becomes unable to perform his duties, the assisted living facility that was administered by him at the time of his death, illness, resignation, or discharge may continue to operate until his successor qualifies, but in no case for longer than is permitted by the licensing authority for the facility with an acting administrator in accordance with the provisions of § 63.2-1803. The temporary supervisor or administrator of the facility shall immediately notify the Board of Long-Term Care Administrators and the Commissioner 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.

§ 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 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.

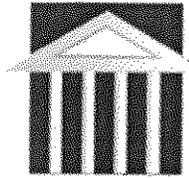
C. The Department may grant an extension of up to 30 days in addition to the 150 days from the last date of employment of a licensed administrator if the acting administrator has applied for licensure as a long-term care administrator pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1, has completed 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 one time 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 one time 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.

2. That the Board of Long-Term Care Administrators shall promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed as long-term care administrators by a preceptor registered or recognized by the Board.



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Long-Term Care Administrators, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC95-30-10 et seq.
Regulation title	Regulations Governing the Practice of Assisted Living Facility Administrators
Action title	Oversight of acting administrators
Date this document prepared	6/16/11

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the regulatory action is to comply with the second enactment of Chapter 609 of the 2011 Acts of the Assembly, which requires: *“That the Board of Long-Term Care Administrators shall promulgate regulations for the oversight of acting administrators of assisted living facilities who have sought licensure but who are not yet licensed as long-term care administrators by a preceptor registered or recognized by the Board.”* To implement provisions of Chapter 609, the Board will amend certain regulations for an administrator-in-training to ensure adequate oversight by the preceptor who is supervising the training of a person serving as the acting administrator for an assisted living facility. Regulations are intended to clarify that the acting administrator is in training, that the preceptor is responsible for appropriate oversight, and that survey visit reports for the facility become part of the administrator-in-training reports.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

18VAC95-30-10 et seq. Regulations Governing the Practice of Assisted Living Facility Administrators are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6) provides the Board the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title. ...

In addition, the Board has specific authority in § 54.1-3103.1 (as amended by Chapter 609) for regulation of an acting administrator for operation of assisted living 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.

Applicable law for the Department of Social Services was amended by Chapter 609 accordingly:

§ 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 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 one time 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 one time 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.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Assisted living facilities (ALF's) report that they find it very difficult to hire a licensed administrator as a replacement and must generally get someone from within the organization trained to become the licensed administrator. It is not possible to accomplish that within 90 days. Amendments to law in Chapter 609 (SB1093) would ensure that the person named as acting administrator is qualified by education to become licensed and that he is enrolled in an administrator-in-training program (AIT). Enrollment in an AIT program as a preceptee will at least ensure that there is some oversight and supervision by a preceptor of the acting administrator practice. The licensee who is the preceptor is held responsible for appropriate supervision but not for all activities that occur within the ALF under an acting administrator. The acting administrator may only serve for 150 days, but if the acting administrator has completed the program and taken the examination, a 30-day extension is allowed while he is awaiting the results of the examination and subsequent licensure by the Board.

Since the revised law will allow an acting administrator (unlicensed person) to remain in charge of an assisted living facility for up to 180 days (rather than the current 90 days), it is essential for the health, welfare and safety of residents in that facility to ensure appropriate oversight by the person who is supervising and training the acting administrator and to identify the status of the acting administrator to the public.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

Amendments to regulation will address the administrator-in-training (AIT) program as it applies to persons who are concurrently serving as the acting administrator for an assisted living facility. The maximum number of AIT hours required for persons with minimal educational qualifications is 640. Since persons typically complete an AIT program while otherwise employed in another capacity, they are given 24 months to complete the training. However, the law requires that unlicensed persons acting as administrators must complete the training within 150 days and become licensed within 180 days, or the facility must hire someone else who is a licensed administrator. Regulations will be amended for clarity and consistency with the law.

To ensure appropriate oversight on an acting administrator in an AIT program, the responsibility of the preceptor for training will be somewhat more explicit and may specify a minimum number of hours the preceptor should be personally in the building for oversight and training. Additionally, regulations may specify that the acting status of an administrator should be identified on a name tag and that the name of the acting administrator and preceptor license should be displayed so the public has information available to report possible violations.

Finally, the Board may specify that survey visit reports (conducted by Department of Social Services) during the period when the person in the AIT program should be included in progress reports, so the Board has knowledge of any major violations that may have occurred while the acting administrator (who is seeking full licensure) was in charge of the facility.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

There are no alternatives to the proposed regulatory action; it is mandated in the second enactment of Chapter 609. The Board will consider regulatory language that is reasonable and not overly burdensome but that accomplishes the intent of protecting the residents of assisted living facilities. The Virginia Health Care Association, the Virginia Association of Non-profit Homes of the Aging and the Virginia Alzheimer's Association have already commented with a recommendation that language be added to requirements for preceptors that assures responsibility for the oversight of the administrator-in-training when the trainee is acting as the administrator of record.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website, www.townhall.virginia.gov, or by mail, email, or fax to Elaine Yeatts, Agency Regulatory Coordinator, 9960 Mayland Drive, Suite 300, Richmond, VA 23233 or to elaine.yeatts@dhp.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

A public hearing will be held after proposed regulations have been adopted and approved for publication. Notice of the hearing will be found on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and will be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board will utilize the Regulatory/Legislative Committee for the development of proposed regulations. All interested parties are noticed when meetings are scheduled and are encouraged to participate.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

If residents are placed in jeopardy by inadequate, unsafe conditions within an assisted living facility, the family of those residents can be significantly impacted. The purpose of a licensure law is to ensure qualified, knowledgeable persons provide oversight for the facility.

Tab 4

Memorandum of Understanding
between
The Virginia Department of Health
Office of Licensure and Certification
and
The Virginia Department of Health Professions
The Board of Long-Term Care Administrators

This is a general memorandum of understanding between the Virginia Department of Health, Office of Licensure and Certification and the Virginia Department of Health Professions, Board of Long-Term Care Administrators.

PURPOSE

The purpose of the memorandum is to establish methods for exchange of information that will maximize cooperation between two regulatory authorities in promoting the delivery of quality care and effectively ensuring protection of the health, safety and welfare of residents of nursing homes and other long term care facilities.

AUTHORITY

The statutory authority for the Virginia Department of Health, Office of Licensure and Certification is found in Articles 1 and 2, Chapter 5, Title 32.1 of the Code of Virginia.

The statutory authority for the Virginia Department of Health Professions is found in Chapters 1, 24 and 25 of Title 54.1 of the Code of Virginia.

The statutory authority for the Virginia Board of Long-Term Care Administrators is found in Chapter 31 of Title 54.1 of the Code of Virginia.

UNDERSTANDING

The Director, Office of Licensure and Certification agrees to provide the Executive Director, Board of Long-Term Care Administrators with the following information:

1. A copy of any written notification from the State Health Commissioner to any licensed nursing home of the Department's intent to take adverse action that will limit, restrict or prohibit nursing home operations, including but not limited to, actions to restrict new admissions or to suspend or revoke a license. The information transmitted will include documentation that caused action by the Commissioner.

2. A copy of any written notification from the Director of the Office of Licensure and Certification to any licensed nursing home of the intent of the Centers for Medicare & Medicaid Services (CMS) or the Department of Medical Assistance Services (DMAS) to take adverse action that will limit or prohibit certification under the Medicare and/or Medicaid program, including but not limited to substandard quality of care, restriction on new admissions, or involuntary. The information transmitted will include a copy of the survey findings that caused such action.
3. All pertinent information pertaining to the long term care facility during the administrator's tenure at the facility, upon receipt of a complaint or upon initiation of an investigation by the Department of Health Professions.
4. Any information and documentation the Director deems necessary to refer to the Board of Long-Term Care Administrators for review on any specific licensed nursing home or Medicare/Medicaid certified long-term care facility that has a history of recurring violations or confirmed complaints.
5. Technical assistance and consultation when requested, on matters of mutual interest and concern to both agencies.

The Executive Director of the Board of Long-Term Care Administrators (Department of Health Professions) will provide the Office of Licensure and Certification (Department of Health) with the following:

1. Written notification of suspension, revocation or voluntary surrender of an individual's Nursing Home Administrator license.
2. Documentation of findings of any complaint or other investigation of a Long Term Care Administrator conducted by the Department of Health Professions that affects the delivery of patient care in a specific nursing home.
3. Technical assistance and consultation when requested, on matters of mutual interest and concern to both agencies.

Both agencies further agree to periodically review the contents of this memorandum at least every four years and reserve the right to request revisions. The memorandum shall take effect on the latest date it is signed by designated representatives of both agencies. Both agencies reserve the right to cancel the memorandum after giving 60 days written notice to the other agency.

Dr. Karen Remley
State Health Commissioner

Date

Dr. Dianne Reynolds-Cane, Director
Department of Health Professions

Date

Chris Durrer, Director
Office of Licensure & Certification
Virginia Department of Health

Date

Lisa R. Hahn, Executive Director
Board of Long-Term Care Administrators

Date

Virginia Board of Long-Term Care Administrators

Policy on
CCAs/CONFIDENTIAL CONSENT AGREEMENTS
Adopted July 23, 2003

1. Intake Investigations/offline cases to be reviewed by the Executive Director for a decision regarding:
 - ❖ closure
 - ❖ further investigation or
 - ❖ assignment to a Special Conference Committee (SCC) for probable cause review.
2. Consideration of CCAs will be addressed in the probable cause reviews conducted by Special Conference Committees.
3. Staff will implement the SCC decision.
4. SCCs may use CCAs to address minor or technical violations to include:
 - ❖ Missing five (5) or fewer continuing education credits
 - ❖ Recordkeeping
 - ❖ Technical probation violation
 - ❖ Failing to follow policy where there is no negative patient outcome
 - ❖ A single misdemeanor conviction involving moral turpitude, without any other issues
 - ❖ HPIP participant not eligible for a stay but with minimal practice issues
5. A proposal from a respondent for a CCA will only be considered during probable cause review and shall not be considered once a notice is executed.

- ❖ _____
- ❖ _____
- ❖ _____

Virginia Board of Long-Term Care Administrators

Qualifying for Licensure: Required Content for College Coursework

The requirements for licensure as a nursing home administrator are addressed in the Regulations of the Virginia Board of Long-Term Care Administrators at 18 VAC 95-20-220. The educational requirement for licensure by degree and practical experience or by certificate program is for college coursework in nursing home administration or a health care administration field. To meet the educational requirements for licensure an applicant must provide a transcript from an accredited college or university that documents successful completion of a minimum of 21 semester hours of coursework concentrated on the administration and management of health care services. This coursework must include a minimum of 3 semester hours in each of the Content Areas 1, 2, 3, and 4 as described below. A minimum of 6 semester hours is required in Content Area 5 as described below.

5 Required Content Areas:

- 1. Resident Care and Quality of Life:** Course content must address program and service planning, supervision and evaluation to meet the needs of patients such as (a) nursing, medical and pharmaceutical care, (b) rehabilitative, social, psycho-social and recreational services, (c) nutritional services, (d) safety and rights protections, (e) quality assurance, and (f) infection control.
- 2. Human Resources:** Course content must focus on personnel leadership in a health care management role and must address organizational behavior and personnel management skills such as (a) staff organization, supervision, communication and evaluation, (b) staff recruitment, retention, and training, (c) personnel policy development and implementation, and (d) employee health and safety.
- 3. Finance:** Course content must address financial management of health care programs and facilities such as (a) an overview of financial practices and problems in the delivery of health care services, (b) financial planning, accounting, analysis and auditing, (c) budgeting, (d) health care cost issues, and (e) reimbursement systems and structures.
- 4. Physical Environment and Atmosphere:** Course content must address facility and equipment management such as (a) maintenance, (b) housekeeping, (c) safety, (d) inspections and compliance with laws and regulations, and (e) emergency preparedness.
- 5. Leadership and Management:** Course content must address the leadership roles in health delivery systems such as (a) government oversight and interaction, (b) organizational policies and procedures, (c) principles of ethics and law, (d) community coordination and cooperation, (e) risk management, and (f) governance and decision making.

VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS

BYLAWS

Article I. Officers Election, Terms of Office, Vacancies

1. Officers

The officers of the Virginia Board of Long-Term Care Administrators (Board) shall be a Chair and a Vice-Chair.

2. Election.

~~The Board shall annually elect its officers at its first regularly scheduled meeting after July 1st of each year.~~

The organizational year for the Board shall run from July 1st through June 30th. During the first fiscal quarter of the year, the Board shall elect from its members a Chair and a Vice-Chair.

3. Terms of Office.

The terms of office of the Chair and Vice-Chair shall be for one year or until the next election of officers, unless their term on the Board expires before that time. No officer shall be eligible to serve for more than three consecutive terms in the same office unless serving an unexpired term.

4. Vacancies.

A vacancy occurring in any office shall be filled by a special election at the next meeting of the Board.

Article II. Duties of Officers

1. Chair.

The Chair shall preside at all meetings and conduct all business according to the Administrative Process Act and Robert's Rules; shall appoint all committees except where specifically provided by law; shall appoint agency subordinates; shall sign certificates and documents authorized to be signed by the Chair; and, may serve as an ex-officio member of committees.

2. Vice- Chair.

The Vice-Chair shall perform all duties of the Chair in the absence of the Chair.

Article III. Duties of Members

1. Qualifications.

After appointment by the Governor, each member of the Board shall forthwith take the oath of office to qualify for service as provided by law.

2. Attendance at meetings.

Members of the Board shall attend all regular and special meetings of the full Board, meetings of committees to which they are assigned and all hearings conducted by the Board at which their attendance is requested by the Executive Director, unless prevented by illness or other unavoidable cause. In the case of an unavoidable absence of any member from any meeting, the Chair may reassign the duties of such absent member.

Article IV. Meeting

1. Number.

The Board shall schedule at least three regular meetings in each year, with the right to change the date or cancel any board meeting with the exception that a minimum of one board meeting will take place annually. The Chair shall call meetings at any time to conduct the business of the Board and shall convene conference calls when needed to act on summary suspensions and settlement offers. Additional meetings shall be called by the Chair upon the written request of any two members of the Board.

2. Quorum.

A majority of the members of the Board shall constitute a quorum at any meeting.

3. Voting.

All matters shall be determined by a majority vote of the members present.

Article V. Committees

1. Standing Committees.

As part of their responsibility to the Board, members appointed to a committee shall faithfully perform the duties assigned to the committee. The standing committees of the Board shall be the following:

- Legislative and Regulatory Committee
- Credentials Committee
- Special Conference Committees

2. Ad Hoc Committees.

The Chair may appoint an Ad Hoc Committee of two or more members of the Board to address a topic not assigned to a standing committee.

3. Committee Duties.

a) Legislative/Regulatory Committee.

The Legislative/Regulatory Committee shall consist of two or more members, appointed by the Chair. This Committee shall consider matters bearing upon state and federal regulations and legislation and make recommendations to the Board regarding policy matters. The Committee shall conduct a periodic review of the laws and regulations. Proposed changes in State laws, or in the Regulations of the Board, shall be distributed to all Board members prior to scheduled meetings of the Board.

b) Credentials Committee.

The Credentials Committee shall consist of two or more members appointed by the Chair and shall review all non-routine applications for licensure to determine if the applicant satisfies the requirements established by the Board. The committee shall review requests for extensions of time to earn continuing education and may grant such requests for good cause on a one-time basis. The Committee shall not be required to meet collectively to complete initial reviews. The committee chair shall provide guidance to staff on the action to be taken as a result of the initial review.

c) Special Conference Committees.

Special Conference Committees shall consist of two or more members appointed by the Chair and shall review investigation reports to determine if there is probable cause to conclude that a violation of law or regulation has occurred, hold informal fact-finding conferences and direct the disposition of disciplinary cases. The Committee shall not be required to meet collectively to complete the initial review. The committee chair shall provide guidance to staff on the action to be taken as a result of the probable cause review.

Article VI. Executive Director**1. Designation.**

The Administrative Officer of the Board shall be designated the Executive Director of the Board.

2. Duties.

The Executive Director shall:

- a) Supervise the operation of the Board office and be responsible for the conduct the staff and the assignment of cases to agency subordinates,
- b) Carry out the policies and services established by the Board,
- c) Provide and disburse all forms as required by law to include, but not be limited to, new and renewal application forms.
- d) Keep accurate record of all applications for licensure, maintain a file of all applications and notify each applicant regarding the actions of the Board in response to their application. Prepare and deliver licenses to all successful applicants. Keep and maintain a current record of all licenses issued by the Board.
- e) Notify all members of the Board of regular and special meetings of the Board. Notify all Committee members of regular and special meetings of Committees. Keep true and accurate minutes of all meetings and distribute such minutes to the Board members prior to the next meeting.
- f) Issue all notices and orders, render all reports, keep all records and notify all individuals as required by these Bylaws or law. Affix and attach the seal of the Board to such documents, papers, records, certificates and other instruments as may be directed by law.
- g) Keep accurate records of all disciplinary proceedings. Receive and certify all exhibits presented. Certify a complete record of all documents whenever and wherever required by law.

- h) Present the biennial budget with any revisions to the Board for approval.

Article VII: General Delegation of Authority

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum qualifications have been met.
- 2..The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action unless specified in the Board order.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms and documents.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director, who shall consult with a member of a special conference member, the authority to review information regarding alleged violations of law or regulations and determine whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the Chair, the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required and a meeting is not feasible.
8. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.

Article VIII. Amendments

A board member or the Executive Director may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any scheduled meeting of the Board.

Tab 5

**Memorandum of Understanding
Between
The Virginia Department of Health Professions
Board of Long Term Care Administrators
And
The Virginia Department of Social Services
Division of Licensing Programs**

This is a general memorandum of understanding between the Virginia Department of Health Professions, Board of Long Term Care Administrators and The Virginia Department of Social Services, Division of Licensing Programs.

PURPOSE

The purpose of this memorandum is to establish methods for exchange of information that will maximize cooperation between two regulatory authorities in promoting the delivery of quality care and effectively ensuring protection of the health, safety and welfare of residents of assisted living facilities.

PERIOD

This agreement shall become effective upon final execution and will expire in five years from the effective date. We will review the agreement at that time and make any changes necessary. Both agencies reserve the right to cancel the memorandum after giving 60 days written notice to the other agency.

AUTHORITY

The Statutory authority for the Virginia Department of Social Services Division of Licensing Programs is found in Chapters 17 & 18, Title 63.2 of the Code of Virginia.

The Statutory authority for the Virginia Department of Health Professions is found in Chapters 1, 24 & 25 of Title 54.1 of the Code of Virginia.

The Statutory authority for the Virginia Board of Long Term Care Administrators is found in Chapter 31 of title 54.1 of the Code of Virginia.

UNDERSTANDING

The Director of the Department of Social Services, Division of Licensing Programs, agrees to provide the Executive Director of the Board of Long Term Care Administrators with the following information:

- 1) A copy of any Department of Social Services notification to any Assisted Living Facility of their intent to take adverse action that will limit, restrict or prohibit facilities operations, including but not limited to, actions to restrict new admissions or

to suspend or revoke a license. The information transmitted will include documentation that caused action by the Department.

- 2) A copy of any written notifications that an Assisted Living Facility is being operated by an unlicensed administrator.
- 3) A copy of any written notification that a sanction is being imposed for egregious conduct on part of an administrator.
- 4) Upon receipt of a complaint or upon initiation of an investigation by the Department of Social Services, Division of Licensing Programs shall provide, promptly upon request, all available information as to the history of the assisted living facility where the administrator is employed.
- 5) The Director agrees to provide technical assistance and consultation when requested, on matters of mutual interest and concern to both agencies.

The Board of Long Term Care Administrators (Department of Health Professions) will provide the Division of Licensing Programs (Department of Social Services) with the following:

- 1) Written notification of revocation of an individual's Assisted Living Facility Administrators license.
- 2) Report all actions taken by the Board of Long Term Care Administrators involving disciplinary action to the Division of Licensing Programs.
- 3) Documentation of findings of any complaint or other investigations conducted by the Board of Long Term Care Administrators that affects the delivery of resident care in a specific assisted living facility.
- 4) The Director agrees to provide technical assistance and consultation when requested, on matters of mutual interest and concern to both agencies.

Both agencies further agree to periodically review the content of this memorandum and reserve the right to request revisions. The memorandum shall take effect on the latest date it is signed by designated representatives of both agencies. Both agencies reserve the right to cancel the memorandum after giving 60 days written notice to the other agency.

Martin Brown, Commissioner
Department of Social Services

Date

Dr. Dianne Reynolds-Cane, Director
Department of Health Professions

Date

Lynne A. Williams, Director
Division of Licensing Programs
Virginia Department of Social Services

Date

Lisa R. Hahn, Executive Director
Board of Long Term Care Administrators

Date