# Board of Long-Term Care Administrators

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

**September 24, 2013**
**9:30 a.m.**

**AGENDA**

**CALL TO ORDER**

**ORDERING OF AGENDA**

**PUBLIC COMMENT PERIOD**

**ACCEPTANCE OF MINUTES – Tab 1**

- Minutes of Board Meeting – December 11, 2012
- Formal Hearing – December 11, 2012
- Public Hearing – July 11, 2013

**INFORMAL CONFERENCES HELD**

- (4) March 12, 2013
- (2) June 19, 2013
- (1) August 16, 2013

**CONSIDERATION OF THE RECOMMENDED DECISION OF THE INFORMAL CONFERENCE COMMITTEE – Tab 2**

- Crystal A. Smith

**EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn - Tab 3**

**NEW BUSINESS**

- Legislative & Regulatory Reports – Elaine Yeatts – **Tab 4**
  - Status of Regulatory Actions
  - Motion to Adopt Final Amendments to 18VAC95-30-10 et seq.
  - Proposed Fast-Track Action – Regulatory Reform Project
  - Board Action – Decision on Petition for Rule-Making
- Disciplinary & Probable Cause Review – Lisa R. Hahn
- Election of Officers

**ADJOURNMENT**

# Tab 1

**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, December 11, 2012 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #3, Henrico, Virginia.

**The following members were present:**

Thomas J. Orsini, NHA, Chair
Martha H. Hunt, ALFA, Vice-Chair
John Randolph Scott, NHA, ALFA
Kathleen R. Fletcher, MSN, Citizen Member
Karen Stanfield, NHA, Citizen Member

**The following members were absent for all or part of the meeting:**

Amanda Gannon, NHA
Doug Nevitt, ALFA
Gracie Bowers, Citizen Member

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

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

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

Erin Barrett, Assistant Attorney General

**Quorum:**

With 5 members present & consisting of at least one citizen member, a quorum was established.

**Guests Present:**

Jeanne Grady, Virginia Assisted Living Association (VALA)
Dana Parsons, Virginia Association of Nonprofit Homes for the Aging (VANHA)

**CALLED TO ORDER**

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

## PUBLIC COMMENT PERIOD

Mr. Orsini shared a copy of a written email the board received from Sarah Stuchlak, NHA, who indicated that she would be unable to attend the meeting but had requested that an issue be raised during public comment on her behalf.

## ORDERING OF THE AGENDA

The Agenda was approved as ordered.

## ACCEPTANCE OF MINUTES

Upon a motion by Kathleen Fletcher and properly seconded by Karen Stanfield, the Board voted to accept the following minutes of the board meeting:

- Minutes of Board Meeting – June 19, 2012
- Telephonic Conference Minutes – September 13, 2012
- Telephonic Conference Minutes – September 13, 2012
- Telephonic Conference Minutes – September 13, 2012
- Formal Hearing – October 31, 2012
- Formal Hearing – October 31, 2012

The motion passed unanimously.

## INFORMAL CONFERENCES HELD

Mr. Orsini shared that two informal conferences were held on June 19, 2012 and that the minutes are located on the board's website and on regulatory Townhall.

## EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

### FY13 Budget

Ms. Hahn reported that the cash balance as of June 30, 2012 was $(285,901); the revenue for FY13 was $20,152; the direct and allocated expenditures were $155,806; the ending cash balance as of October 31, 2012 was $(421,555).

### Board Announcement

Ms. Hahn shared that Ted LeNeave, longtime member on the board recently submitted his official resignation after serving ten and one half (10 ½) years. She stated that Ted and his family were relocating to Utah he accepted a wonderful opportunity and that she wishes them all the best.

**Discipline Statistics**

Ms. Hahn reported there are currently 31 open cases; 12 cases are in Investigations, 16 cases are in the probable cause level, 2 cases are in APD, 0 are at the informal stage and 1 is at the formal stage which is being held today. Ms. Hahn stated that 21 Orders were currently being monitored by Ms. Currier who also serves as the Compliance Case Manager for all of Ms. Hahn's boards.

**FY11 versus FY12**

Ms. Hahn shared that the board received a 55% increase in cases received from 40 cases in FY11 to 62 cases in FY12.

**Virginia Performs**

Ms. Hahn reported the clearance rate for the first quarter ending March 31, 2012 was 130%. During this quarter we received 10 cases and closed 13. The age of our pending case load over 250 days was at 9%; the percent of cases closed within 250 business days was 85%; the customer satisfaction rating achieved was 93%; and licensing within 30 days was at 100%.

**Licensee Statistics**

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 55 nursing home administrators in training, 72 assisted living facility administrators in training, 3 "acting" assisted living facility administrator in training, 614 assisted living facility administrators, 181 assisted living facility preceptors; 850 nursing home administrators and 230 nursing home preceptors.

**Board Presentations**

Ms. Hahn shared that Missy Currier presented at the vaLTC Fall Conference held in Roanoke on September 27, 2012.

**NAB Annual Meeting**

Ms. Hahn shared that she attended the 2012 NAB Mid-Year Meeting held in San Diego, California in early November and that she is in her third year of serving as the Chair on the State Governance and Regulatory Issues Committee and the State Executive Forum.

**2013 Calendar**

Ms. Hahn stated that the 2013 board meetings were scheduled for March 12th, June 18th, September 10th and December 10th. Mr. Orsini suggested that the members record the meeting dates on their calendars to avoid last minute meeting conflicts for establishing quorums.

## NEW BUSINESS

### Legislative & Regulatory Reports – Elaine Yeatts

Ms. Yeatts reviewed the status of regulations pertaining to 18VAC95-20 Nursing Home Administrators as of November 26, 2012:

- Re-Proposed Fee Increase – At Secretary's Office for 109 days.
- Periodic Review – more flexibility in CE courses and in administrator-in-training qualification – Fast-Track – At Governor's Office for 27 days.

Ms. Yeatts reviewed the status of regulations pertaining to 18VAC95-30 Assisted Living Facility Administrators:

- Oversight of acting administrators in an AIT program – At Governor's Office for 192 days.

### Notice of Periodic Review

Ms. Yeatts informed the board that she has been alerted that as part of the Governor's Regulatory Reform Project, they would be required to conduct a periodic review of 18VAC95-30, the Regulations Governing the Practice of Assisted Living Facility Administrators. She explained that the goal of the review would be to repeal unnecessary regulations that are no longer in use; reduce unnecessary regulatory burdens on individuals, businesses, and other regulated groups; and identify statutes that require unnecessary or overly burdensome regulations. Ms. Yeatts shared the suggestions that staff made for changes in Regulatory Reform (**Attachment A**).

Ms. Yeatts further stated the board would seek public comment on any issues relating to the review from December 17, 2012 through January 16, 2013.

## ADJOURNMENT

With all business concluded, the meeting was adjourned at 9:46 a.m.

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| Thomas J. Orsini, NHA, Chair | Lisa R. Hahn, Executive Director |
| Date | Date |

## Attachment A

## Part I. General Provisions.

### 18VAC95-30-10. Definitions.

A. The following words and terms when used in this chapter shall have the definitions ascribed to them in §54.1-3100 of the Code of Virginia:

"Assisted living facility"

"Assisted living facility administrator"

"Board"

B. The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"ALF AIT" shall mean an assisted living facility administrator-in-training.

"Domains of practice" means the content areas of tasks, knowledge and skills necessary for administration of a residential care/assisted living facility as approved by the National Association of Long Term Care Administrator Boards.

"NAB" means the National Association of Long Term Care Administrator Boards.

### 18VAC95-30-20. Posting of license.

Each licensee shall post his license in a main entrance or place conspicuous to the public in each facility in which the licensee is administrator-of-record.

### 18VAC95-30-30. Accuracy of information.

A. All changes in the address of record or the public address, if different from the address of record, or the name of a licensee, trainee, or preceptor shall be furnished to the board within 30 days after the change occurs.

B. All notices required by law and by this chapter to be mailed by the board to any licensee shall be validly given when mailed to the latest address of record on file with the board and shall not relieve the licensee, trainee, or preceptor of the obligation to comply.

### 18VAC95-30-40. Required fees.

A. The applicant or licensee shall submit all fees below that apply:

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| 1. ALF AIT program application | $185 |
| 2. Preceptor application | $50 |
| 3. Licensure application | $200 |
| 4. Verification of licensure requests from other states | $25 |
| 5. Assisted living facility administrator license renewal | $225 |
| 6. Preceptor renewal | $50 |

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|---|---|
| 7. Penalty for assisted living facility administrator late renewal | $65 |
| 8. Penalty for preceptor late renewal | $20 |
| 9. Assisted living facility administrator reinstatement | $315 |
| 10. Preceptor reinstatement | $95 |
| 11. Duplicate license | $15 |
| 12. Duplicate wall certificates | $25 |
| 13. Returned check | $35 |

B. Fees shall not be refunded once submitted.

C. Examination fees are to be paid directly to the service contracted by the board to administer the examination.

**18VAC95-30-50. Practice by a licensed nursing home administrator.**

Pursuant to §54.1-3102 B of the Code of Virginia, a person who holds a license as a nursing home administrator issued by the board may engage in the general administration of an assisted living facility.

## Part II. Renewals and Reinstatements.

**18VAC95-30-60. Renewal requirements.**

A. A person who desires to renew his license or preceptor registration for the next year shall, not later than the expiration date of March 31 of each year, submit a completed renewal form and fee.

B. The renewal form and fee shall be received no later than the expiration date. Postmarks shall not be considered.

C. An assisted living facility administrator license or preceptor registration not renewed by the expiration date shall be invalid.

**18VAC95-30-70. Continuing education requirements.**

A. In order to renew an assisted living administrator license, an applicant shall attest on his renewal application to completion of 20 hours of approved continuing education for each renewal year.

1. Up to 10 of the 20 hours may be obtained through Internet or self-study courses and up to 10 continuing education hours in excess of the number required may be transferred or credited to the next renewal year.

2. A licensee is exempt from completing continuing education requirements ~~and considered in compliance on~~ for the first renewal ~~date~~ following initial licensure in Virginia.

B. In order for continuing education to be approved by the board, it shall be related to the domains of practice for residential care/assisted living and approved or offered by NAB, an accredited educational institution or a governmental agency.

C. Documentation of continuing education.

1. The licensee shall retain in his personal files for a period of three renewal years complete documentation of continuing education including evidence of attendance or participation as provided by the approved sponsor for each course taken.

2. Evidence of attendance shall be an original document provided by the approved sponsor and shall include:

a. Date or dates the course was taken;

b. Hours of attendance or participation;

c. Participant's name; and

d. Signature of an authorized representative of the approved sponsor.

3. If contacted for an audit, the licensee shall forward to the board by the date requested a signed affidavit of completion on forms provided by the board and evidence of attendance or participation as provided by the approved sponsor.

D. The board may grant an extension of up to one year or an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the administrator, such as a certified illness, a temporary disability, mandatory military service, or officially declared disasters.

**18VAC95-30-80. Late renewal.**

A. A person who fails to renew his license or preceptor registration by the expiration date shall, within one year of the initial expiration date:

1. Submit the renewal notice or request renewal by mail to the board;

2. Submit the applicable renewal fee and penalty fee;

3. Provide evidence as may be necessary to establish eligibility for renewal.

B. The documents required in subsection A of this section shall be received in the board office within one year of the initial expiration date. Postmarks shall not be considered.

**18VAC95-30-90. Reinstatement for an assisted living facility administrator license or preceptor registration.**

A. The board may reinstate an assisted living facility administrator license or preceptor registration that was not renewed within one year of the initial expiration date.

B. An applicant for assisted living facility administrator license reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and provide one of the following:

1. Evidence of the equivalent of 20 hours of continuing education for each year since the last renewal, not to exceed a total of 60 hours.

2. Evidence of active practice in another state or U.S. jurisdiction or in the U.S. armed services during the period licensure in Virginia was lapsed.

3. Evidence of requalifying for licensure by meeting the requirements prescribed in 18VAC95-30-100 and 18VAC95-30-110.

C. An applicant for preceptor reinstatement shall apply on a reinstatement form provided by the board, submit the reinstatement fee, and meet the current requirements for a preceptor in effect at the time of application for reinstatement.

## Part III. Requirements for Licensure.

### 18VAC95-30-95. ~~Licensure of current administrators.~~ [Repealed].

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

~~1. A full-time administrator of record in accordance with requirements of 22VAC40-72-200, or an assistant administrator in an assisted living facility, as documented on an application for licensure; or~~

~~2. A full-time regional administrator with onsite supervisory responsibilities for one or more assisted living facilities with at least two years of previous experience as the administrator of an assisted living facility, as documented on an application for licensure.~~

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

### 18VAC95-30-100. Educational and training requirements for initial licensure.

A. To be qualified for initial licensure as an assisted living facility administrator, an applicant shall hold a high school diploma or general education diploma (GED) and hold one of the following qualifications:

1. Administrator-in-training program.

a. Complete at least 30 semester hours in an accredited college or university in any subject and 640 hours in an ALF AIT as specified in 18VAC95-30-150;

b. Complete an educational program as a licensed practical nurse and hold a current, unrestricted license or multistate licensure privilege and 640 hours in an ALF AIT;

c. Complete an educational program as a registered nurse and hold a current, unrestricted license or multistate licensure privilege and 480 hours in an ALF AIT;

d. Complete at least 30 semester hours in an accredited college or university with courses in the content areas of (i) Client/resident care; (ii) Human resources management; (iii) Financial management; (iv) Physical environment; and (v) Leadership and governance; and 320 hours in an ALF AIT;

e. Hold a master's or a baccalaureate degree in health care related field or a comparable field that meets the requirements of subsection B of 18VAC95-30-100 with no internship or practicum and 320 hours in an ALF AIT program; or

f. Hold a master's or baccalaureate degree in an unrelated field and 480 hours in an ALF AIT program; or

2. Certificate program.

Hold a baccalaureate or higher degree in a field unrelated to health care from an accredited college or university and successfully complete a certificate program with a minimum of 21 semester hours study in a health care related field that meets course content requirements of subsection B of this section from an accredited college or university and successfully complete not less than a 320-hour internship or practicum that addresses the domains of practice as specified in 18VAC95-30-160 in a licensed assisted living facility as part of the certificate program under the supervision of a preceptor; or

3. Degree and practical experience.

Hold a baccalaureate or higher degree in a health care related field that meets the course content requirements of subsection B of this section from an accredited college or university and have completed not less than a 320-hour internship or practicum that addresses the Domains of Practice as specified in 18VAC95-30-160 in a licensed assisted living facility as part of the degree program under the supervision of a preceptor.

B. To meet the educational requirements for a degree in a health care related field, 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 to include a minimum of six semester hours in the content area set out in subdivision 1of this subsection, three semester hours in each of the content areas in subdivisions 2 through 5 of this subsection, and three semester hours for an internship or practicum.

1. Resident/client services management;
2. Human resource management;
3. Financial management;
4. Physical environment management;
5. Leadership and governance.

**18VAC95-30-110. Examination requirement for initial licensure.**

To be licensed under 18VAC95-30-95 or 18VAC95-30-100, an applicant shall provide evidence of a passing grade on the national credentialing examination for administrators of assisted living facilities approved by the board.

**18VAC95-30-120. Qualifications for licensure by endorsement or credentials.**

A. If applying from any state or the District of Columbia in which a license, certificate or registration is required to be the administrator of an assisted living facility, an applicant for licensure by endorsement shall hold a current, unrestricted license, certificate or registration

from that state or the District of Columbia. If applying from a jurisdiction that does not have such a requirement, an applicant may apply for licensure by credentials, and no evidence of licensure, certification or registration is required.

B. The board may issue a license to any person who:

1. Meets the provisions of subsection A;

2. Has not been the subject of a disciplinary action taken by any jurisdiction in which he was found to be in violation of law or regulation governing practice and which, in the judgment of the board, has not remediated;

3. Meets one of the following conditions:

a. Has practiced as the administrator of record in an assisted living facility that provides assisted living care as defined in § 63.2-100 of the Code of Virginia for at least two of the four years immediately preceding application to the board; or

b. Has education and experience substantially equivalent to qualifications required by this chapter and has provided written evidence of those qualifications at the time of application for licensure; and

4. Has successfully passed a national credentialing examination for administrators of assisted living facilities approved by the board.

**18VAC95-30-130. Application package.**

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

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

1. A completed application as provided by the board;

2. Additional documentation as may be required by the board to determine eligibility of the applicant;

3. The applicable fee; and

4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and the regulations relating to assisted living facilities.

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

**Part IV. Administrator-in-Training Program.**

**18VAC95-30-140. Training qualifications.**

A. To be approved as an ALF administrator-in-training, a person shall:

1. Meet the requirements of 18VAC95-30-100 A 1;

2. Obtain a preceptor to provide training;

3. Submit the application provided by the board and the fee prescribed in 18VAC95-30-40; and

4. Submit additional documentation as may be necessary to determine eligibility of the applicant and the number of hours required for the ALF AIT program.

B. With the exception of school transcripts, all required parts of the application package shall be submitted at the same time. An incomplete package shall be retained by the board for one year after which time the application shall be destroyed and a new application and fee shall be required.

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

A. The ALF AIT program shall consist of hours of continuous training as specified in 18VAC95-30-100 A 1 in a facility as prescribed in 18VAC95-30-170 to be completed within 24 months. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B of this section.

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

1. An applicant who has been employed full time for one of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT;

2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years, in a licensed assisted living facility or nursing home shall complete 320 hours in an ALF AIT; or

3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years, in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT.

**18VAC95-30-160. Required content of an ALF administrator-in-training program.**

A. Prior to the beginning of the training program, the preceptor shall develop and submit for board approval a training plan which shall include and be designed around the specific training needs of the administrator-in-training. The training plan shall include the tasks and the knowledge and skills required to complete those tasks as approved by NAB as the domains of practice for residential care/assisted living in effect at the time the training is being provided. An ALF AIT program shall include training in each of the learning areas in the domains of practice.

B. An ALF AIT shall be required to serve weekday, evening, night and weekend shifts and to receive training in all areas of an assisted living facility operation.

### 18VAC95-30-170. Training facilities.

Training in an ALF AIT program or for an internship or practicum shall be conducted only in:

1. An assisted living facility or unit licensed by the Virginia Board of Social Services or by a similar licensing body in another jurisdiction;

2. An assisted living facility owned or operated by an agency of any city, county, or the Commonwealth or of the United States government; or

3. An assisted living unit located in and operated by a licensed hospital as defined in §32.1-123 of the Code of Virginia, a state-operated hospital, or a hospital licensed in another jurisdiction.

### 18VAC95-30-180. Preceptors.

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

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

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;

2. Be employed full-time as an administrator in a training facility or facilities for a minimum of one of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and

3. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;

2. Be routinely present with the trainee in the training facility; and

3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

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

### 18VAC95-30-190. Reporting requirements.

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training.

B. The trainee's certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the program.

### 18VAC95-30-200. Interruption or termination of program.

A. If the program is interrupted because the registered preceptor is unable to serve, the trainee shall notify the board within ~~five~~ ten working days and shall obtain a new preceptor who is registered with the board within 60 days.

1. Credit for training shall resume when a new preceptor is obtained and approved by the board.

2. If an alternate training plan is developed, it shall be submitted to the board for approval before the trainee resumes training.

B. If the training program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within five working days. The preceptor shall also submit all required monthly progress reports completed prior to termination.

## Part V. Refusal, Suspension, Revocation and Disciplinary Action.

### 18VAC95-30-210. Unprofessional conduct.

The board may refuse to admit a candidate to an examination, refuse to issue or renew a license or approval to any applicant, suspend a license for a stated period of time or indefinitely, reprimand a licensee, place his license on probation with such terms and conditions and for such time as it may designate, impose a monetary penalty, or revoke a license for any of the following causes:

1. Conducting the practice of assisted living administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;

2. Failure to comply with federal, state, or local laws and regulations governing the operation of an assisted living facility;

3. Conviction of a felony or any misdemeanor involving abuse, neglect or moral turpitude;

4. Failure to comply with any regulations of the board; or

5. Inability to practice with skill or safety.

*DRAFT UNAPPROVED*

# VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
# FORMAL ADMINISTRATIVE HEARING

| Tuesday, December 11, 2012 | Department of Health Professions<br>9960 Mayland Drive, Suite #300 | Henrico, Virginia |
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| **CALL TO ORDER:** | A panel of the Board was called to order at 10:11 a.m. |
| **MEMBERS PRESENT:** | Tom Orsini, NHA, Chair<br>Martha Hunt, ALFA<br>Randy Scott, NHA, ALFA<br>Kathleen Fletcher, Citizen Member<br>Karen Hopkins Stanfield, Citizen Member |
| **MEMBERS ABSENT:** | Ted LeNeave, NHA<br>Amanda Gannon, NHA<br>Gracie Bowers, Citizen Member<br>Doug Nevitt, ALFA |
| **BOARD COUNSEL:** | Erin Barrett, Assistant Attorney General |
| **STAFF PRESENT:** | Lisa R. Hahn, Executive Director<br>Lynne Helmick, Deputy Executive Director<br>Kathy Petersen, Discipline Operations Manager<br>Missy Currier, Board Operations Manager |
| **COURT REPORTER:** | Wanda Blanks, Farnsworth and Taylor Reporting |
| **OTHERS PRESENT:** | Christopher Reho, Certified Court Reporter<br>John W. Bane, Esq.<br>Prue Salasky, Daily Press<br>Darrel Mason, Esq. |
| **PARTIES ON BEHALF OF COMMONWEALTH:** | David Kazzie, Adjudication Specialist |
| **COMMONWEALTH WITNESS:** | Kelly Ashley, DHP Senior Investigator<br>Kim Martin, DHP Senior Investigator<br>Virginia Goodell, Licensing Inspector, VA Dept. DSS<br>Patricia Meyer, Licensing Inspector, VA Dept. DSS<br>Ivy Burham, VA Dept. DSS |

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| **MATTER SCHEDULED:** | **Scott Schuett, ALFA**<br>**License No.: 1706-000506**<br>**Registration No.: 1707-000060**<br>**Case No.: 143951, 145346 & 146464** |
| **ESTABLISHMENT OF A QUORUM:** | With five (5) members of the Board present, a quorum was established. |
| **DISCUSSION:** | Mr. Schuett did not appear before the Board in accordance with the Board's Amended Notice of Formal Hearing dated November 2, 2012, and was not represented by counsel. Mr. Schuett notified the Board the morning of the hearing that he would be unable to make it due to a family illness.<br><br>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. |
| **CLOSED SESSION:** | Upon a motion by Martha Hunt, and duly seconded by Karen Hopkins Stanfield, the Board voted to convene a closed meeting at 12:19 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 Scott Schuett, ALFA. Additionally, she moved that Ms. Hahn, Ms. Barrett, Ms. Helmick, Ms. Petersen and Ms. Currier 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 Martha Hunt, and duly seconded by Karen Hopkins Stanfield, the Board voted to re-convene at 12:46 p.m. and announced its decision. |
| **CERTIFICATION:** | Ms. Hunt 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 Randy Scott, and duly seconded by Kathy Fletcher, the Board made certain Findings of Fact and Conclusions of Law. The Board voted to **REVOKE** the license Mr. Schuett and imposed a $25,000 monetary penalty. |
| **VOTE:** | The vote was unanimous. |

**ADJOURNMENT:** The Board adjourned at 3:51 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.*

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| Thomas Orsini, NHA, Chair | Lisa R. Hahn, Executive Director |
| Date | Date |

**UNAPPROVED MINUTES**

# VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS PUBLIC HEARING

The Virginia Board of Long Term Care Administrators convened for a Public Hearing on Thursday, July 11, 2013 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Board Room #1, Henrico, Virginia.

**Board Members Present:**
John Randolph Scott, ALFA, NHA, Chair

**DHP Staff Present:**
Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

**Guests Present:**
Judy Hackler, VALA
Beverly Soble, VHCA
Ivy Sharpe
Judy McGreal, VDSS

## CALLED TO ORDER

Mr. Scott, Chair called the public hearing to order at 9:00 a.m.

Mr. Scott stated that this was a public hearing to receive comments on proposed amendments to the Board of Long Term Care Administrators regulations relating to the oversight of acting administrators in an AIT program. Copies of the proposed regulations were provided for the public.

## PUBLIC COMMENT PERIOD

No public comment was received.

## CLOSING STATMENTS

Mr. Scott closed the meeting by stating that written comments on the proposed action should be directed to Lisa R. Hahn, Executive Director, Board of Long Term Care Administrators, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233-1463 or by e-mail to lisa.hahn@dhp.virginia.gov. Electronic comment may be posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov or sent by e-mail. All comments will be considered before the Board adopts final regulations. The comment period will close on **August 30, 2013.**

**ADJOURNMENT**

The public hearing adjourned at 9:04 a.m.

| | |
|---|---|
| John Randolph Scott, ALFA, NHA, Chair | Lisa R. Hahn, Executive Director |
| Date | Date |

# Tab 2

## RECOMMENDED DECISION OF INFORMAL CONFERENCE COMMITTEE

The Informal Conference Committee ("Committee") for the Board of Long-Term Care Administrators ("Board") conducted an informal conference on March 12, 2013, in Henrico County, Virginia, to consider the application of Crystal A. Smith for licensure as an assisted living facility administrator. Ms. Smith was not present and was not represented by legal counsel. After reviewing the evidence and statements presented in this matter, the Committee submits the following recommended Findings of Fact, Conclusions of Law, and Disposition.

### Recommended Findings of Fact

1. Crystal A. Smith submitted an application for licensure as an assisted living facility administrator on November 6, 2012. She was licensed as an administrator in training on March 6, 2012. Said license expires on March 6, 2014.

2. By letter dated February 11, 2013, the Board of Long-Term Care Administrators sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on March 12, 2013. The Notice was sent by certified and first class mail to 2528 Strawberry Lane, Chesapeake, Virginia, 23324, the address of record on file with the Board of Long-Term Care Administrators. The Notice sent via certified mail was returned to the Board on March 11, 2013, unclaimed and marked "Return To Sender Unable to Forward." The Notice sent via first-class mail was not returned to the Board. The Committee Chair concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

3. Ms. Smith failed to submit a criminal record as requested by the Board in November 2012.

### Recommended Conclusions of Law

The Informal Conference Committee concludes that:

1. Ms. Smith does not meet the qualifications of 18 VAC 95-30-130 of the Regulations.

## Recommended Disposition

In consideration of the foregoing Findings of Fact and Conclusions of Law, the Committee recommends that Ms. Smith's application for licensure as an assisted living facility administrator be DENIED.

Reviewed and determined to be consistent with the Informal Conference Committee's Decision

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

_____
Date

# Tab 3

Virgina Department of Health Professions
Cash Balance
As of June 30, 2013

| | 114- Long Term Care Administrators |
|---|---|
| **Board Cash Balance as of June 30, 2012** | $ (285,901) |
| **YTD FY13 Revenue** | 376,522 |
| **Less: YTD FY13 Direct and In-Direct Expenditures** | 435,014 |
| **Cash Balance as of June 30, 2013** | (344,393) |

# Virginia Dept. of Health Professions
# Revenue and Expenditures Summary
## July 1, 2012 through June 30, 2013

| | 114- Long-Term Care Administrat | | | |
|---|---|---|---|---|
| | Jul '12 - Jun 13 | Budget | $ Over Budget | % of Budget |
| Revenue | | | | |
| 2400 · Fee Revenue | | | | |
| 2401 · Application Fee | 50,655.00 | 27,225.00 | 23,430.00 | 186.06% |
| 2402 · Examination Fee | 0.00 | | | |
| 2406 · License & Renewal Fee | 320,545.00 | 333,900.00 | -13,355.00 | 96.0% |
| 2407 · Dup. License Certificate Fee | 130.00 | 105.00 | 25.00 | 123.81% |
| 2408 · Board Endorsement - In | 0.00 | | | |
| 2409 · Board Endorsement - Out | 1,850.00 | 875.00 | 975.00 | 211.43% |
| 2421 · Monetary Penalty & Late Fees | 3,090.00 | 4,795.00 | -1,705.00 | 64.44% |
| 2430 · Board Changes Fee | 0.00 | | | |
| 2432 · Misc. Fee (Bad Check Fee) | 140.00 | | | |
| Total 2400 · Fee Revenue | 376,410.00 | 366,900.00 | 9,510.00 | 102.59% |
| 2600 · Fees for Miscellaneous Services | | | | |
| 2660 · Administrative Fees | 0.00 | | | |
| Total 2600 · Fees for Miscellaneous Services | 0.00 | | | |
| 3000 · Sales of Prop. & Commodities | | | | |
| 3002 · Overpayments | 0.00 | | | |
| 3007 · Sales of Goods/Svces to State | 0.00 | | | |
| 3020 · Misc. Sales-Dishonored Payments | 110.00 | | | |
| Total 3000 · Sales of Prop. & Commodities | 110.00 | | | |
| 9000 · Other Revenue | | | | |
| 9060 · Miscellaneous Revenue | 0.00 | | | |
| 9084 · Refund- Prior Yr Disb | 2.26 | | | |
| Total 9000 · Other Revenue | 2.26 | | | |
| Total Revenue | 376,522.26 | 366,900.00 | 9,622.26 | 102.62% |
| Expenditures | | | | |
| 1100 · Personal Services | | | | |
| 1110 · Employee Benefits | | | | |
| 1111 · Employer Retirement Contrib. | 5,910.33 | 5,925.00 | -14.67 | 99.75% |
| 1112 · Fed Old-Age Ins- Sal St Emp | 5,066.11 | 5,356.00 | -289.89 | 94.59% |
| 1113 · Fed Old-Age Ins- Wage Earners | 0.00 | 0.00 | 0.00 | 0.0% |
| 1114 · Group Insurance | 807.12 | 805.00 | 2.12 | 100.26% |
| 1115 · Medical/Hospitalization Ins. | 7,391.30 | 7,263.00 | 128.30 | 101.77% |
| 1116 · Retiree Medical/Hospitalizatn | 682.63 | 676.00 | 6.63 | 100.98% |
| 1117 · Long term Disability Ins | 217.17 | 318.00 | -100.83 | 68.29% |
| Total 1110 · Employee Benefits | 20,074.66 | 20,343.00 | -268.34 | 98.68% |
| 1120 · Salaries | | | | |
| 1123 · Salaries, Classified | 68,312.62 | 67,642.00 | 670.62 | 100.99% |
| 1125 · Salaries, Overtime | 0.00 | | | |
| Total 1120 · Salaries | 68,312.62 | 67,642.00 | 670.62 | 100.99% |
| 1130 · Special Payments | | | | |
| 1131 · Bonuses and Incentives | 1,899.24 | 2,363.00 | -463.76 | 80.37% |

# Virginia Dept. of Health Professions
## Revenue and Expenditures Summary
### July 1, 2012 through June 30, 2013

| | 114- Long-Term Care Administrat | | | |
|---|---|---|---|---|
| | Jul '12 - Jun 13 | Budget | $ Over Budget | % of Budget |
| 1138 · Deferred Compnstn Match Pmts | 592.50 | 660.00 | -67.50 | 89.77% |
| Total 1130 · Special Payments | 2,491.74 | 3,023.00 | -531.26 | 82.43% |
| 1140 · Wages | | | | |
| 1141 · Wages, General | 0.00 | 0.00 | 0.00 | 0.0% |
| 1143 · Wages, Overtime | 0.00 | | | |
| Total 1140 · Wages | 0.00 | 0.00 | 0.00 | 0.0% |
| 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 | | | |
| 1165 · Employee Retirement Contributio | 0.00 | 0.00 | 0.00 | 0.0% |
| Total 1160 · Terminatn Personal Svce Costs | 0.00 | 0.00 | 0.00 | 0.0% |
| Total 1100 · Personal Services | 90,879.02 | 91,008.00 | -128.98 | 99.86% |
| 1200 · Contractual Services | | | | |
| 1210 · Communication Services | | | | |
| 1211 · Express Services | 19.19 | 142.00 | -122.81 | 13.51% |
| 1212 · Outbound Freight Services | 0.00 | 0.00 | 0.00 | 0.0% |
| 1213 · Messenger Services | 0.00 | | | |
| 1214 · Postal Services | 1,955.10 | 1,500.00 | 455.10 | 130.34% |
| 1215 · Printing Services | 44.76 | 500.00 | -455.24 | 8.95% |
| 1216 · Telecommunications Svcs (DIT) | 1,300.45 | 1,020.00 | 280.45 | 127.5% |
| 1219 · Inbound Freight Services | 0.00 | | | |
| Total 1210 · Communication Services | 3,319.50 | 3,162.00 | 157.50 | 104.98% |
| 1220 · Employee Development Services | | | | |
| 1221 · Organization Memberships | 1,500.00 | 1,200.00 | 300.00 | 125.0% |
| 1222 · Publication Subscriptions | 0.00 | | | |
| 1224 · Emp Trning Courses, Wkshp & Cnf | 0.00 | 200.00 | -200.00 | 0.0% |
| 1225 · Employee Tuition Reimbursement | 0.00 | 802.00 | -802.00 | 0.0% |
| 1227 · Emp Trning- Trns, Ldgng & Meals | 0.00 | | | |
| Total 1220 · Employee Development Services | 1,500.00 | 2,202.00 | -702.00 | 68.12% |
| 1230 · Health Services | | | | |
| 1236 · X-ray and Laboratory Services | 27.67 | 110.00 | -82.33 | 25.16% |
| Total 1230 · Health Services | 27.67 | 110.00 | -82.33 | 25.16% |
| 1240 · Mgmnt and Informational Svcs | | | | |
| 1242 · Fiscal Services | 5,168.72 | 7,990.00 | -2,821.28 | 64.69% |
| 1243 · Attorney Services | 0.00 | | | |
| 1244 · Management Services | 9.49 | 6.00 | 3.49 | 158.17% |
| 1246 · Public Infrmtnl & Relation Svcs | 0.00 | | | |
| 1247 · Legal Services | 450.00 | 150.00 | 300.00 | 300.0% |
| 1248 · Media Services | 0.00 | | | |
| 1249 · Recruitment Services | 0.00 | | | |

# Virginia Dept. of Health Professions
## Revenue and Expenditures Summary
### July 1, 2012 through June 30, 2013

| | 114- Long-Term Care Administrat | | | |
|---|---|---|---|---|
| | Jul '12 - Jun 13 | Budget | $ Over Budget | % of Budget |
| Total 1240 · Mgmnt and Informational Svcs | 5,628.21 | 8,146.00 | -2,517.79 | 69.09% |
| 1250 · Repair and Maintenance Svcs | | | | |
| 1252 · Electrical Rep & Maintenance | 0.00 | 17.00 | -17.00 | 0.0% |
| 1253 · Equip Repair & Maintenance | 0.00 | | | |
| 1256 · Mechanical Rep & Maint Svcs | 0.00 | | | |
| 1257 · Plant Rep & Maintenance Svcs | 0.00 | | | |
| Total 1250 · Repair and Maintenance Svcs | 0.00 | 17.00 | -17.00 | 0.0% |
| 1260 · Support Services | | | | |
| 1263 · Clerical Services | 0.00 | 1,027.00 | -1,027.00 | 0.0% |
| 1264 · Food & Dietary Services | 732.59 | 683.00 | 49.59 | 107.26% |
| 1266 · Manual Labor Services | 840.14 | 2,182.00 | -1,341.86 | 38.5% |
| 1267 · Production Services | 4,182.18 | 2,960.00 | 1,222.18 | 141.29% |
| 1268 · Skilled Services | 2,827.35 | 4,408.00 | -1,580.65 | 64.14% |
| Total 1260 · Support Services | 8,582.26 | 11,260.00 | -2,677.74 | 76.22% |
| 1280 · Transportation Services | | | | |
| 1282 · Travel, Personal Vehicle | 1,143.11 | 4,680.00 | -3,536.89 | 24.43% |
| 1283 · Travel, Public Carriers | -34.65 | 300.00 | -334.65 | -11.55% |
| 1284 · Travel, State Vehicles | 0.00 | | | |
| 1285 · Travel, Subsistence & Lodging | 0.00 | 800.00 | -800.00 | 0.0% |
| 1288 · Trvl, Meal Reimb- Not Rprtble | 0.00 | 400.00 | -400.00 | 0.0% |
| Total 1280 · Transportation Services | 1,108.46 | 6,180.00 | -5,071.54 | 17.94% |
| 1297 · Late Payment Penalties | 0.00 | | | |
| Total 1200 · Contractual Services | 20,166.10 | 31,077.00 | -10,910.90 | 64.89% |
| 1300 · Supplies And Materials | | | | |
| Personal Care Supplies | 0.00 | | | |
| 1310 · Administrative Supplies | | | | |
| 1311 · Apparel Supplies | 4.07 | | | |
| 1312 · Office Supplies | 206.92 | 400.00 | -193.08 | 51.73% |
| 1313 · Stationery and Forms | 32.18 | 100.00 | -67.82 | 32.18% |
| Total 1310 · Administrative Supplies | 243.17 | 500.00 | -256.83 | 48.63% |
| 1320 · Energy Supplies | | | | |
| 1323 · Gasoline | 0.00 | | | |
| Total 1320 · Energy Supplies | 0.00 | | | |
| 1330 · Manufctrng and Merch Supplies | | | | |
| 1335 · Packaging and Shipping Suppl | 6.24 | | | |
| Total 1330 · Manufctrng and Merch Supplies | 6.24 | | | |
| 1340 · Medical and Laboratory Supp. | | | | |
| 1342 · Medical and Dental Supplies | 6.89 | | | |
| Total 1340 · Medical and Laboratory Supp. | 6.89 | | | |
| 1350 · Repair and Maint. Supplies | | | | |
| 1352 · Custodial Rep & Maint Mat'ls | 0.00 | | | |

# Virginia Dept. of Health Professions
## Revenue and Expenditures Summary
### July 1, 2012 through June 30, 2013

| | 114- Long-Term Care Administrat | | | |
|---|---|---|---|---|
| | Jul '12 - Jun 13 | Budget | $ Over Budget | % of Budget |
| 1353 · Electrical Repair and Maint | 0.00 | 2.00 | -2.00 | 0.0% |
| Total 1350 · Repair and Maint. Supplies | 0.00 | 2.00 | -2.00 | 0.0% |
| 1360 · Residential Supplies | | | | |
| 1362 · Food and Dietary Supplies | 1.02 | 81.00 | -79.98 | 1.26% |
| 1363 · Food Service Supplies | 0.62 | 0.00 | 0.62 | 100.0% |
| 1364 · Laundry and Linen Supplies | 0.00 | | | |
| Total 1360 · Residential Supplies | 1.64 | 81.00 | -79.36 | 2.03% |
| 1370 · Specific Use Supplies | | | | |
| 1373 · Computer Operating Supplies | 4.51 | | | |
| Total 1370 · Specific Use Supplies | 4.51 | | | |
| Total 1300 · Supplies And Materials | 262.45 | 583.00 | -320.55 | 45.02% |
| 1400 · Transfer Payments | | | | |
| 1410 · Awards, Contrib., and Claims | | | | |
| 1413 · Premiums | 0.00 | 300.00 | -300.00 | 0.0% |
| 1415 · Unemployment Compnsatn Reimb | 0.00 | 100.00 | -100.00 | 0.0% |
| Total 1410 · Awards, Contrib., and Claims | 0.00 | 400.00 | -400.00 | 0.0% |
| Total 1400 · Transfer Payments | 0.00 | 400.00 | -400.00 | 0.0% |
| 1500 · Continuous Charges | | | | |
| S Purch Ch. Card Check Fee | 0.00 | | | |
| 1510 · Insurance-Fixed Assets | | | | |
| 1512 · Automobile Liability | 0.00 | | | |
| 1516 · Property Insurance | 24.12 | 0.00 | 24.12 | 100.0% |
| Total 1510 · Insurance-Fixed Assets | 24.12 | 0.00 | 24.12 | 100.0% |
| 1530 · Operating Lease Payments | | | | |
| 1534 · Equipment Rentals | 1.04 | | | |
| 1535 · Building Rentals | 0.00 | | | |
| 1539 · Building Rentals - Non State | 9,417.62 | 10,205.00 | -787.38 | 92.28% |
| Total 1530 · Operating Lease Payments | 9,418.66 | 10,205.00 | -786.34 | 92.3% |
| 1550 · Insurance-Operations | | | | |
| 1551 · General Liability Insurance | 86.56 | 0.00 | 86.56 | 100.0% |
| 1554 · Surety Bonds | 5.11 | 0.00 | 5.11 | 100.0% |
| Total 1550 · Insurance-Operations | 91.67 | 0.00 | 91.67 | 100.0% |
| Total 1500 · Continuous Charges | 9,534.45 | 10,205.00 | -670.55 | 93.43% |
| 2200 · Equipment Expenditures | | | | |
| Electronic & Photo Equip Impr | 0.00 | | | |
| 2210 · Computer Equipment | | | | |
| 2217 · Other Computer Equipment | 4.66 | | | |
| 2218 · Computer Software Purchases | 0.00 | | | |
| Total 2210 · Computer Equipment | 4.66 | | | |

# Virginia Dept. of Health Professions
## Revenue and Expenditures Summary
### July 1, 2012 through June 30, 2013

| | 114- Long-Term Care Administrat | | | |
|---|---|---|---|---|
| | Jul '12 - Jun 13 | Budget | $ Over Budget | % of Budget |
| 2220 · Educational & Cultural Equip | | | | |
| 2224 · Reference Equipment | 0.00 | 36.00 | -36.00 | 0.0% |
| 2228 · Educational & Cultural Equip Im | 0.00 | | | |
| Total 2220 · Educational & Cultural Equip | 0.00 | 36.00 | -36.00 | 0.0% |
| 2230 · Electrnc & Photographic Equip | | | | |
| 2233 · Voice & Data Transmissn Equip | 0.00 | | | |
| 2238 · Electrnc & Phtgrphc Equip Imprv | 0.00 | | | |
| Total 2230 · Electrnc & Photographic Equip | 0.00 | | | |
| 2240 · Medical and Laboratory Equip | | | | |
| 2242 · Medical and Dental Equipment | 7.15 | | | |
| Total 2240 · Medical and Laboratory Equip | 7.15 | | | |
| 2260 · Office Equipment | | | | |
| 2261 · Office Appurtenances | 0.00 | 17.00 | -17.00 | 0.0% |
| 2262 · Office Furniture | 0.00 | 0.00 | 0.00 | 0.0% |
| 2263 · Office Incidentals | 12.56 | | | |
| 2264 · Office Machines | 0.00 | 100.00 | -100.00 | 0.0% |
| 2268 · Office Equipment Improvements | 14.74 | | | |
| Total 2260 · Office Equipment | 27.30 | 117.00 | -89.70 | 23.33% |
| 2270 · Specific Use Equipment | | | | |
| 2271 · Household Equipment | 0.00 | | | |
| Total 2270 · Specific Use Equipment | 0.00 | | | |
| Total 2200 · Equipment Expenditures | 39.11 | 153.00 | -113.89 | 25.56% |
| Total Direct Expenditures | 120,881.13 | 133,426.00 | -12,544.87 | 90.6% |
| 9001 · Allocated Expenditures | | | | |
| 9201 · Behavioral Science Exec | 0.00 | | | |
| 9202 · Opt\VM\ASLP Exec Dir | 0.00 | | | |
| 9204 · Nursing / Nurse Aid | 0.00 | | | |
| 9206 · Funeral\LTCA\PT | 77,814.79 | 78,686.74 | -871.95 | 98.89% |
| 9301 · DP Operations & Equipment | 74,885.91 | 117,388.68 | -42,502.77 | 63.79% |
| 9302 · Human Resources | 10,385.81 | 11,444.64 | -1,058.83 | 90.75% |
| 9303 · Finance | 17,826.26 | 19,218.84 | -1,392.58 | 92.75% |
| 9304 · Director's Office | 10,088.36 | 11,093.52 | -1,005.16 | 90.94% |
| 9305 · Enforcement | 91,179.29 | 93,707.88 | -2,528.59 | 97.3% |
| 9306 · Administrative Proceedings | 12,109.26 | 13,336.20 | -1,226.94 | 90.8% |
| 9307 · Impaired Practitioners | 167.07 | 38.16 | 128.91 | 437.81% |
| 9308 · Attorney General | 7,781.12 | 4,624.20 | 3,156.92 | 168.27% |
| 9309 · Board of Health Professions | 6,745.43 | 7,535.76 | -790.33 | 89.51% |
| 9310 · SRTA | 0.00 | | | |
| 9311 · Maintenance and Repairs | 0.00 | 486.48 | -486.48 | 0.0% |
| 9313 · Emp. Recognition Program | 57.22 | 332.40 | -275.18 | 17.21% |
| 9314 · Conference Center | 173.71 | 315.00 | -141.29 | 55.15% |
| 9315 · Pgm Devlpmnt & Implmentn | 4,819.88 | 5,020.80 | -200.92 | 96.0% |
| Total 9001 · Allocated Expenditures | 314,034.11 | 363,229.30 | -49,195.19 | 86.46% |

# Virginia Dept. of Health Professions
## Revenue and Expenditures Summary
### July 1, 2012 through June 30, 2013

| | 114- Long-Term Care Administrat | | | |
|---|---|---|---|---|
| | Jul '12 - Jun 13 | Budget | $ Over Budget | % of Budget |
| 987900 · Cash Trsfr Out- Appr Act Pt. 3 | 98.98 | 1,401.12 | -1,302.14 | 7.06% |
| Total Direct and Allocated Expenditures | 435,014.22 | 498,056.42 | -63,042.20 | 87.34% |
| Net Cash Surplus\Shortfall | -58,491.96 | -131,156.42 | 72,664.46 | 44.6% |

# *Open Case Report*

# *September 2013*

As of September 4, 2013:

*18 cases in Investigations*
*4 in Probable Cause*
*4 in APD*
*2 at Informal Stage*
*0 at Formal Stage*

***28 Total Open Cases***

***20 LTC cases being monitored for compliance***

# Virginia Department of Health Professions

## Patient Care Disciplinary Case Processing Times: Quarterly Performance Measurement, Q4 2009 - Q4 2013

Dianne Reynolds-Cane, M.D.
Director

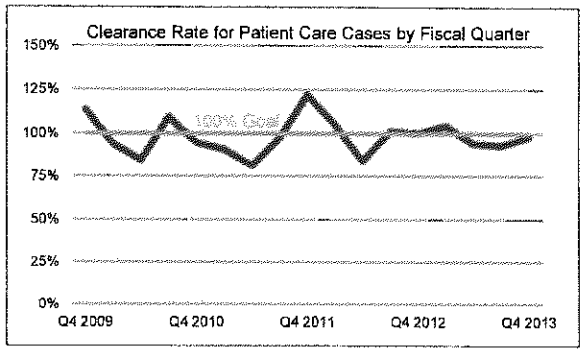
*"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."*
**DHP Mission Statement**

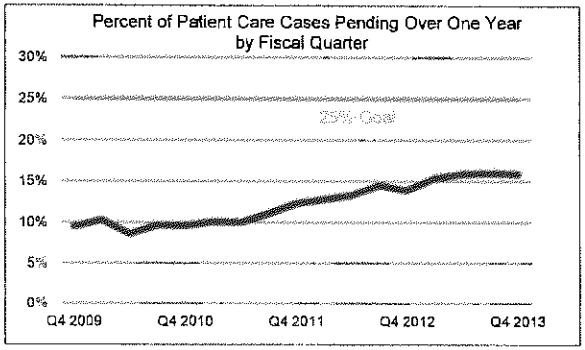
In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website, in biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs). KPMs offer a concise, balanced, and data-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.

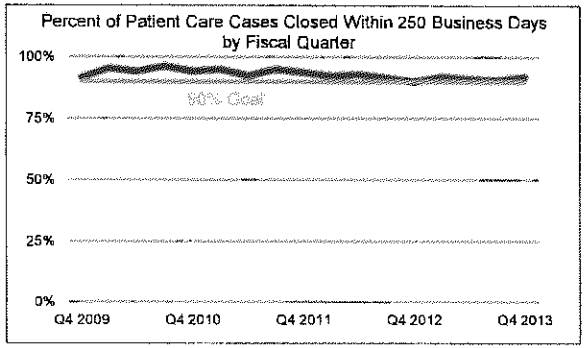
**Clearance Rate** - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal is to maintain a 100% clearance rate of allegations of misconduct through the end of FY 2012. The current quarter's clearance rate is 98%, with 979 patient care cases received and 959 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 maintain the percentage of open patient care cases older than 250 business days at no more than 25% through the end of FY 2012. That goal continues to be achieved with the percent of cases pending over 250 business days maintaining an average of 16% for the past 4 quarters. For the last quarter shown, there were 2,090 patient care cases pending, with 332 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 patient care cases within 250 business days through the end of FY 2012. That goal continues to be acheived with 92% percent of patient care cases being resolved within 250 business days this past quarter. During the last quarter, there were 941 patient care cases closed, with 866 closed within 250 business days.



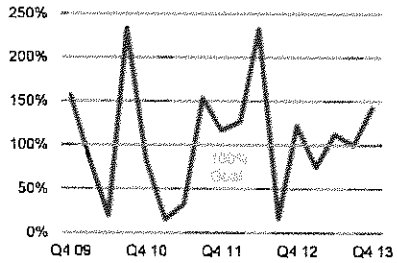

Submitted: 7/17/2013

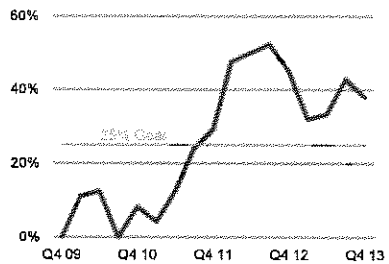
Prepared by: VisualResearch, Inc.

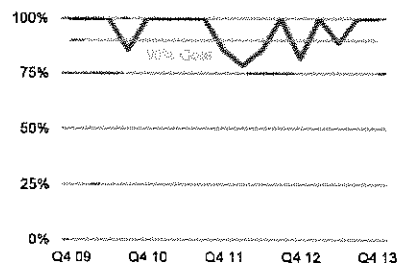
# Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

**Clearance Rate** | **Age of Pending Caseload** (percent of cases pending over one year) | **Percent Closed in 250 Business Days**

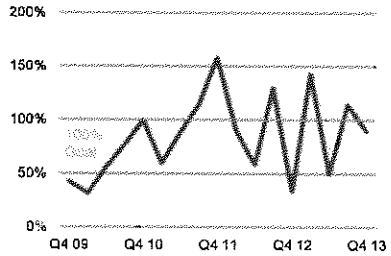
**Psychology** - In Q4 2013, the clearance rate was 143%, the Pending Caseload older than 250 business days was 38% and the percent closed within 250 business days was 100%.
Q4 2013 Caseloads:
Received=7, Closed=10
Pending over 250 days=8
Closed within 250 days=7

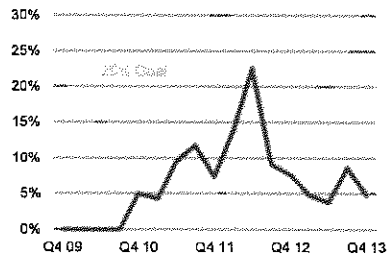


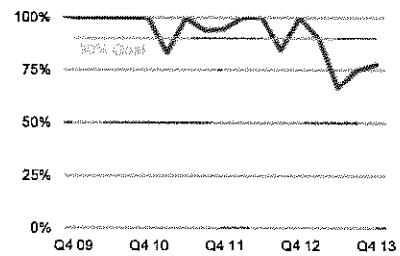



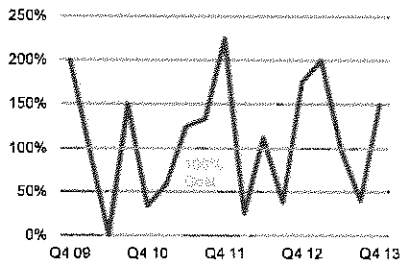

**Long-Term Care Administrators** - In Q4 2013, the clearance rate was 90%, the Pending Caseload older than 250 business days was 5% and the percent closed within 250 business days was 78%.
Q4 2013 Caseloads:
Received=10, Closed=9
Pending over 250 days=1
Closed within 250 days=7

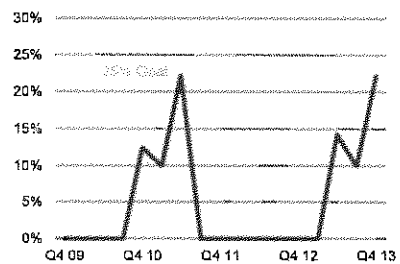


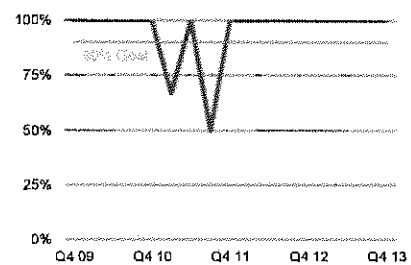




**Optometry** - In Q4 2013, the clearance rate was 150%, the Pending Caseload older than 250 business days was 22% and the percent closed within 250 business days was 100%.
Q4 2013 Caseloads:
Received=2, Closed=3
Pending over 250 days=2
Closed within 250 days=3




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

Submitted: 7/17/2013

Prepared by: VisualResearch, Inc.

FISCAL YEAR 2013, QUARTER ENDING 3/31/13

## *APPLICANT SATISFACTION SURVEY RESULTS: APPROVAL RATE**

| Board | Quarter Ending 3/31/13 Percent Approval | Quarter Ending 3/31/12 Percent Approval | Percent Change | Fiscal Year 2013 to Date Percent Approval | Fiscal Year 2012 to Date Percent Approval | Percent Change | Current Biennial to Date 7/1/12 - 3/31/13 Percent Approval | Prior Biennial to Date 7/1/10 - 3/31/11 Percent Approval | Percent Change |
|---|---|---|---|---|---|---|---|---|---|
| **Total** | 100.0% | 100.0% | 0.0% | 98.5% | 91.5% | 7.6% | 98.5% | 96.4% | 2.1% |
| **Counseling** | 69.9% | 71.6% | -2.4% | 71.0% | 74.2% | -4.3% | 71.0% | 76.8% | -7.5% |
| **Dentistry** | 98.7% | 96.6% | 2.2% | 94.9% | 92.6% | 2.5% | 94.9% | 95.0% | -0.1% |
| **Funeral Directing** | n/a | n/a | | 100.0% | 100.0% | 0.0% | 100.0% | 100.0% | 0.0% |
| **Long Term Care Administrator** | 100.0% | 100.0% | 0.0% | 100.0% | 100.0% | 0.0% | 100.0% | 93.9% | 6.5% |
| **Medicine** | 94.4% | 95.1% | -0.7% | 92.0% | 96.7% | -4.9% | 92.0% | 93.2% | -1.3% |
| **Nurse Aide** | 97.6% | 97.7% | -0.1% | 97.2% | 98.0% | -0.8% | 97.2% | 97.6% | -0.5% |
| **Nursing** | 94.4% | 97.9% | -3.6% | 94.8% | 96.6% | -1.9% | 94.8% | 94.5% | 0.3% |
| **Optometry** | n/a | 100.0% | | n/a | 100.0% | | n/a | 100.0% | |
| **Pharmacy** | 97.5% | 96.1% | 1.5% | 97.9% | 96.4% | 1.5% | 97.9% | 98.1% | -0.2% |
| **Physical Therapy** | 100.0% | 100.0% | 0.0% | 96.4% | 97.5% | -1.1% | 96.4% | 95.1% | 1.4% |
| **Psychology** | 89.6% | 98.8% | -9.3% | 87.8% | 85.9% | 2.2% | 87.8% | 87.4% | 0.5% |
| **Social Work** | 84.7% | 85.6% | -1.1% | 85.3% | 85.0% | 0.4% | 85.3% | 91.2% | -6.5% |
| **Veterinary Medicine** | 83.3% | 88.9% | -6.3% | 97.8% | 96.7% | 1.2% | 97.8% | 96.6% | 1.3% |
| ***Agency Total*** | *93.5%* | *95.5%* | -2.1% | *93.7%* | *95.6%* | -1.9% | *93.7%* | *94.4%* | -0.7% |

*Applicant Satisfaction Surveys are sent to all initial applicants. The survey includes six categories for which applicants rate their satisfaction on a scale from one to four, one and two being degrees of satisfaction, three and four being degrees of disatisfaction. This report calculates the percentage of total responses falling into the approval range.

**FISCAL YEAR 2013, QUARTER ENDING 6/30/13**

## *APPLICANT SATISFACTION SURVEY RESULTS: APPROVAL RATE**

| Board | Quarter Ending 6/30/13 Percent Approval | Quarter Ending 6/30/12 Percent Approval | Percent Change | Fiscal Year 2013 Percent Approval | Fiscal Year 2012 Percent Approval | Percent Change | Biennial 7/1/012 - 6/30/13 Percent Approval | Prior Biennial 7/1/10 - 6/30/11 Percent Approval | Percent Change |
|---|---|---|---|---|---|---|---|---|---|
| Audiology/Speech Pathology | 100.0% | 86.7% | 15.3% | 98.7% | 90.5% | 9.1% | 98.7% | 91.8% | 7.5% |
| Counseling | 76.3% | 74.5% | 2.4% | 72.5% | 74.3% | -2.4% | 72.5% | 75.7% | -4.2% |
| Dentistry | 94.7% | 93.7% | 1.1% | 94.8% | 92.9% | 2.0% | 94.8% | 95.7% | -0.9% |
| Funeral Directing | 100.0% | 100.0% | 0.0% | 100.0% | 100.0% | 0.0% | 100.0% | 95.2% | 5.0% |
| Long Term Care Administrator | n/a | 81.0% | -100.0% | n/a | 96.3% | -100.0% | n/a | 94.4% | -100.0% |
| Medicine | 87.5% | 95.4% | -8.3% | 90.3% | 96.5% | -6.4% | 90.3% | 94.1% | -4.0% |
| Nurse Aide | 99.1% | 97.5% | 1.6% | 97.8% | 97.9% | -0.1% | 97.8% | 97.5% | 0.3% |
| Nursing | 96.5% | 94.7% | 1.9% | 95.2% | 96.3% | -1.1% | 95.2% | 94.8% | 0.4% |
| Optometry | 100.0% | 100.0% | 0.0% | 92.9% | 100.0% | -7.1% | 92.9% | 100.0% | -7.1% |
| Pharmacy | 97.3% | 98.1% | -0.8% | 97.9% | 96.8% | 1.1% | 97.9% | 97.7% | 0.2% |
| Physical Therapy | 98.6% | 98.2% | n/a | 96.8% | 97.6% | -0.8% | 96.8% | 95.3% | 1.6% |
| Psychology | 99.1% | 90.2% | 9.9% | 91.3% | 84.6% | 7.9% | 91.3% | 88.1% | 3.6% |
| Social Work | 94.9% | 86.9% | 9.2% | 88.2% | 85.5% | 3.2% | 88.2% | 90.6% | -2.6% |
| Veterinary Medicine | 93.3% | 98.7% | -5.5% | 95.8% | 97.6% | -1.8% | 95.8% | 97.7% | -1.9% |
| ***Agency Total*** | ***93.5%*** | ***94.5%*** | -1.1% | ***93.6%*** | ***95.3%*** | -1.8% | ***93.6%*** | ***94.6%*** | -1.1% |

*Applicant Satisfaction Surveys are sent to all initial applicants. The survey includes six categories for which applicants rate their satisfaction on a scale from one to four, one and two being degrees of satisfaction, three and four being degrees of disatisfaction. This report calculates the percentage of total responses falling into the approval range.

# *Long Term Care Administrators – 9/06/13*

| ***License Count Report*** | ***September 2013*** |
|---|---|
| *NHA Administrator in Training* | *75* |
| *ALF Administrator in Training* | *81* |
| *"Acting" ALF Administrator in Training* | *5* |
| *Nursing Home Administrator* | *847* |
| *Assisted Living Facility Administrator* | *617* |
| *Nursing Home Preceptor* | *238* |
| *Assisted Living Facility Preceptor* | *180* |
| ***Total*** | ***2,043*** |

**Tentative**

**2014 LTC Board Meeting Schedule**

Tuesday, March 4th

Tuesday, June 24

Tuesday, September 9th

Tuesday, December 16th

**Association/National Meetings:**

February 18th - VHCA Legislative Conference – Richmond Omni Hotel

March 13-14 – NAB Annual Meeting

April 10 -11 – VALA Spring Conference – Newport News, VA

September 15-18 – VHCA Annual Convention – Richmond Marriott

October 13-15 – VALA Fall Conference – Blacksburg, VA

November 12-14 – NAB Mid-Year Meeting

vaLTC - Undetermined

# Tab 4

# Status of Regulatory Actions

## As of September 3, 2013

### Board of Long-Term Care Administrators

| Chapter | | Action / Stage Information |
|---|---|---|
| [18 VAC 95 - 20] | Regulations Governing the Practice of Nursing Home Administrators | Fee increase [Action 3254]<br>Re-Proposed - *At Governor's Office for 162 days*<br>[Stage 6233] |
| [18 VAC 95 - 30] | Regulations Governing the Practice of Assisted Living Facility Administrators | Oversight of acting administrators in an AIT program [Action 3514]<br>Proposed - *Register Date: 7/1/13* [Stage 6093]<br>Comment ended 8/30/13<br>Board to adopt final regulations 9/24/13 |

**Agenda Item:** **Board Action – Final adoption of amendments**

**Staff Note:**

Included in your package are:

A copy of SB1093, Chapter 609 of the 2011 Acts of the Assembly

A copy of proposed amendments for oversight of acting administrators who are in an ALF AIT program

A copy of minutes of the public hearing on the proposed amendments

**Action:**

Motion to adopt the final amendments to 18VAC95-30-10 et seq., Regulations Governing the Practice of Assisted Living Facility Administrators

# 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~~ *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.**

# PROPOSED REGULATIONS: COMMENT FROM 7/1/13 TO 8/30/13

# FINAL Regulations to be adopted 9/24/13

## BOARD OF LONG-TERM CARE ADMINISTRATORS

### Oversight of acting administrators in an AIT program

Part III

Requirements for Licensure

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

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

~~1. A full-time administrator of record in accordance with requirements of 22VAC40-72-200, or an assistant administrator in an assisted living facility, as documented on an application for licensure; or~~

~~2. A full-time regional administrator with onsite supervisory responsibilities for one or more assisted living facilities with at least two years of previous experience as the administrator of an assisted living facility as documented on an application for licensure.~~

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

**18VAC95-30-130. Application package.**

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

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

1. A completed application as provided by the board;

2. Additional documentation as may be required by the board to determine eligibility of the applicant, to include the most recent survey report if the applicant has been serving as an acting administrator of a facility;

3. The applicable fee; and

4. An attestation that he has read and understands and will remain current with the applicable Virginia laws and the regulations relating to assisted living facilities.

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

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

A. The ALF AIT program shall consist of hours of continuous training as specified in 18VAC95-30-100 A 1 in a facility as prescribed in 18VAC95-30-170 to be completed within 24 months, except a person in an ALF AIT who has been approved by the board and is serving as an acting administrator shall complete the program within 150 days. An extension may be granted by the board on an individual case basis. The board may reduce the required hours for applicants with certain qualifications as prescribed in subsection B of this section.

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

1. An applicant who has been employed full time for one of the past four years immediately prior to application as an assistant administrator in a licensed assisted living facility or nursing home or as a hospital administrator shall complete 320 hours in an ALF AIT;

2. An applicant who holds a license or a multistate licensure privilege as a registered nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 320 hours in an ALF AIT; or

3. An applicant who holds a license or a multistate licensure privilege as a licensed practical nurse and who has held an administrative level supervisory position in nursing for at least one of the past four consecutive years in a licensed assisted living facility or nursing home shall complete 480 hours in an ALF AIT.

**18VAC95-30-180. Preceptors.**

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

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

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;

2. Be employed full-time as an administrator in a training facility or facilities for a minimum of one of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and

3. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;

2. Be routinely present with the trainee in the training facility; and

3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

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

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

**18VAC95-30-190. Reporting requirements.**

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

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

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

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

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

**Agenda Item:** **Board Action – Proposed Fast-track regulation Regulatory Reform Project**

**Staff Note:**

Included in your package are:

Notice of Periodic Review – no comment was received.

Draft amendments to 18VAC95-30, Regulations Governing the Practice of Assisted Living Facility Administrators.

**Action:**

Motion to adopt the proposed amendments pursuant to Regulatory Reform by a fast-track action.

# Notice of Periodic Review

## Board of Long Term Care

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Long Term Care is conducting a periodic review of:

| | |
|---|---|
| 18VAC95-30 | Regulations Governing the Practice of Assisted Living Facility Administrators |

The review is part of the **Governor's Regulatory Reform Project with the goal of:**

a. Repealing regulations that are unnecessary or no longer in use;
b. Reducing unnecessary regulatory burdens on individuals, businesses, and other regulated groups; and
c. Identifying statutes that require unnecessary or overly burdensome regulations.

Further, the Board is seeking comment on whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

**The comment period begins December 17, 2012 and ends on January 16, 2013.**

Comments may be submitted online to the Virginia Regulatory Town Hall at:
http://www.townhall.virginia.gov/L/Forums.cfm.
Comments may also be sent to Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233 or faxed to (804) 527-4434 or emailed to elaine.yeatts@dhp.virginia.gov.

Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

**Project 3608**

## BOARD OF LONG-TERM CARE ADMINISTRATORS

## DRAFT Regulatory review changes

Part I

General Provisions

### 18VAC95-30-10. Definitions.

A. The following words and terms when used in this chapter shall have the definitions ascribed to them in § 54.1-3100 of the Code of Virginia:

"Assisted living facility"

"Assisted living facility administrator"

"Board"

B. The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"ALFA" means an assisted living facility administrator.

"ALF AIT" means an assisted living facility administrator-in-training.

"Domains of practice" means the content areas of tasks, knowledge and skills necessary for administration of a residential care/assisted living facility as approved by the National Association of Long Term Care Administrator Boards.

"NAB" means the National Association of Long Term Care Administrator Boards.

Part II

Renewals and Reinstatements

**18VAC95-30-60. Renewal requirements.**

A. A person who desires to renew his license or preceptor registration for the next year shall, not later than the expiration date of March 31 of each year, submit a completed renewal form and fee.

B. The renewal form and fee shall be received no later than the expiration date. Postmarks shall not be considered.

C. An assisted living facility administrator license or preceptor registration not renewed by the expiration date shall be invalid, and continued practice may constitute grounds for disciplinary action.

**18VAC95-30-70. Continuing education requirements.**

A. In order to renew an assisted living administrator license, an applicant shall attest on his renewal application to completion of 20 hours of approved continuing education for each renewal year.

1. Up to 10 of the 20 hours may be obtained through Internet or self-study courses and up to 10 continuing education hours in excess of the number required may be transferred or credited to the next renewal year.

2. A licensee is exempt from completing continuing education requirements ~~and considered in compliance on~~ for the first renewal ~~date~~ following initial licensure in Virginia.

B. In order for continuing education to be approved by the board, it shall be related to the domains of practice for residential care/assisted living and approved or offered by NAB, an accredited educational institution or a governmental agency.

C. Documentation of continuing education.

1. The licensee shall retain in his personal files for a period of three renewal years complete documentation of continuing education including evidence of attendance or participation as provided by the approved sponsor for each course taken.

2. Evidence of attendance shall be an original document provided by the approved sponsor and shall include:

a. Date or dates the course was taken;

b. Hours of attendance or participation;

c. Participant's name; and

d. Signature of an authorized representative of the approved sponsor.

3. If contacted for an audit, the licensee shall forward to the board by the date requested a signed affidavit of completion on forms provided by the board and evidence of attendance or participation as provided by the approved sponsor.

D. The board may grant an extension of up to one year or an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the administrator, such as a certified illness, a temporary disability, mandatory military service, or officially declared disasters.

Part III

Requirements for Licensure

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

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

~~1. A full-time administrator of record in accordance with requirements of 22VAC40-72-200, or an assistant administrator in an assisted living facility, as documented on an application for licensure; or~~

~~2. A full-time regional administrator with onsite supervisory responsibilities for one or more assisted living facilities with at least two years of previous experience as the administrator of an assisted living facility as documented on an application for licensure.~~

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

**18VAC95-30-180. Preceptors.**

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

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

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;

2. Be employed full-time as an administrator in a training facility or facilities for a minimum of one of the past four years immediately prior to registration or be a regional

administrator with on-site supervisory responsibilities for a training facility or facilities; and

3. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;

2. Be routinely present with the trainee in the training facility; and

3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

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

**18VAC95-30-200. Interruption or termination of program.**

A. If the program is interrupted because the registered preceptor is unable to serve, the trainee shall notify the board within ~~five~~ ten working days and shall obtain a new preceptor who is registered with the board within 60 days.

1. Credit for training shall resume when a new preceptor is obtained and approved by the board.

2. If an alternate training plan is developed, it shall be submitted to the board for approval before the trainee resumes training.

B. If the training program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within five working days. The preceptor shall also submit all required monthly progress reports completed prior to termination.

**Agenda Item:** **Board Action – Decision on Petition for Rule-making**

**Staff Note:**

Included in your package are:

A copy of a petition for rule-making relating to Preceptors and Reporting Requirements in Regulations Governing the Practice of Assisted Living Facility Administrators

A copy of the Notice for Comment
(NOTE: Comment Period ends on September 10, 2013 – no comment has been received by September 3, 2013. Comment received by the deadline will be sent separately.)

A copy of 18VAC95-30-180 and 18VAC95-30-190

**Action:**

Motion to either:

Accept the petitioner's request and begin a regulatory action, or

Deny the request and state the reasons for the denial.

# COMMONWEALTH OF VIRGINIA
# Board of Long-Term Care Administrators

9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

(804) 367-4595 (Tel)
(804) 527-4413 (Fax)

## Petition for Rule-making

*The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition.*

**Please provide the information requested below. (Print or Type)**

| | | |
|---|---|---|
| Petitioner's full name (Last, First, Middle initial, Suffix,)<br><br>Sharpe, Ivy M. | | |
| Street Address<br>7100 Coachman Lane Apt 204 | Area Code and Telephone Number<br>804-447-1449 | |
| City<br>Henrico | State<br>Virginia | Zip Code<br>23228 |
| Email Address (optional)<br>imsharpe@comcast.net | Fax (optional)<br>804-447-1449 | |

**Respond to the following questions:**

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

18VAC95-30-180. Preceptors. 18VAC95-30-190. Reporting requirements

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

The request to amend regulations is to ensure that ALF AIT trainees are being effectively trained and that preceptors are following the ALF AIT program guidelines.

Require the preceptor to attend an annual training class to ensure that they know the expectations and guidelines of the ALF AIT program.
To prevent the preceptor from purposely withholding or denying ALF AIT training from the trainee
To prevent the preceptor from seeking financial gain by using the trainee to perform administrator's job functions
To prevent the preceptor from charging unreasonable training fees
To encourage the board to play an active part in monitoring preceptors

## Request For New Rules

**18VAC95-30-180. Preceptors.**

- The preceptor must attend annual training related to the ALF AIT program after the application for new preceptors has been approved or prior to the renewal date of the preceptor's license. Training will be administered by the board or by an approved trainer.

- The preceptor shall not allow the trainee to assume Administrator's duties or responsibilities without the present of the preceptor **only** if the trainee has not been approved as an Acting Administrator.

- The preceptor shall enter into an ALF AIT contract agreement with the trainee. The preceptor and the trainee must agree to the starting and ending dates of the ALF AIT program. The contact agreement must be signed by the preceptor and the trainee. The contract agreement form will be prescribed by the board.*

***Note**: The Assisted Living Facility Administrator-In-Training Application should be revised to include space for the signature of the preceptor

**18VAC95-30-190. Reporting requirements.**

- The trainee shall submit an evaluation of the preceptor within 10 days following the completion of the ALF AIT program or if the program is interrupted because the registered preceptor is unable to serve. The evaluation form will be prescribed by the board.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

**54.1-2400 and Chapter 31 of Title 54.1 of the Code of Virginia**

**Signature:** **Ivy M. Sharpe** **Date: July 11, 2013**

Logged in: DHP

Secretariat **Health and Human Resources**

Agency **Department of Health Professions**

Board **Board of Long-Term Care Administrators**

Edit Petition

| Petition Information | |
|---|---|
| **Petition Title** | Training and accountability for preceptors of assisted living trainees |
| **Date Filed** | 7/15/2013 [Transmittal Sheet] |
| **Petitioner** | Ivy Sharpe |
| **Petitioner's Request** | **Changes to 18VAC95-30-180. Preceptors**<br>The preceptor must attend annual training related to the ALF AIT program after the application for new preceptors has been approved or prior to the renewal date of the preceptor's license. Training will be administered by the board or by an approved trainer.<br>The preceptor shall not allow the trainee to assume Administrator's duties or responsibilities without the present of the preceptor **only** if the trainee has not been approved as an Acting Administrator.<br>The preceptor shall enter into an ALF AIT contract agreement with the trainee. The preceptor and the trainee must agree to the starting and ending dates of the ALF AIT program. The contact agreement must be signed by the preceptor and the trainee. The contract agreement form will be prescribed by the board.<br>**18VAC95-30-190. Reporting requirements.**<br>The trainee shall submit an evaluation of the preceptor within 10 days following the completion of the ALF AIT program or if the program is interrupted because the registered preceptor is unable to serve. The evaluation form will be prescribed by the board. |
| **Agency's Plan** | In accordance with Virginia law, the petition was filed with the Register of Regulations and posted on the Virginia Regulatory Townhall at **www.townhall.virginia.gov**. Comment will be requested from interested parties until September 10, 2013. The petition and copies of all comment will be considered by the Board of Long-Term Care Administrators at its meeting scheduled for September 24, 2013. After considering the request and reviewing the comments, the Board will decision whether to initiate rulemaking or deny petition and retain the current requirements. |
| **Comment Period** | **In Progress!** |

| | |
|---|---|
| | **Ends 9/10/2013**<br><br>**Currently 0 comments** |
| **Agency Decision** | Pending |

| **Contact Information** | |
|---|---|
| **Name / Title:** | Elaine J. Yeatts / *Agency Regulatory Coordinator* |
| **Address:** | 9960 Mayland Drive, Suite 300<br>Richmond, 23233 |
| **Email Address:** | **elaine.yeatts@dhp.virginia.gov** |
| **Telephone:** | (804)367-4688 FAX: (804)527-4434 TDD: ()- |

**18VAC95-30-180. Preceptors.**

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

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

1. Hold a current, unrestricted Virginia assisted living facility administrator or nursing home administrator license;

2. Be employed full-time as an administrator in a training facility or facilities for a minimum of one of the past four years immediately prior to registration or be a regional administrator with on-site supervisory responsibilities for a training facility or facilities; and

3. Submit an application and fee as prescribed in 18VAC95-30-40. The board may waive such application and fee for a person who is already approved as a preceptor for nursing home licensure.

C. A preceptor shall:

1. Provide direct instruction, planning and evaluation;

2. Be routinely present with the trainee in the training facility; and

3. Continually evaluate the development and experience of the trainee to determine specific areas needed for concentration.

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

**18VAC95-30-190. Reporting requirements.**

A. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training.

B. The trainee's certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within 30 days following the completion of the program.

**18VAC95-30-200. Interruption or termination of program.**

A. If the program is interrupted because the registered preceptor is unable to serve, the trainee shall notify the board within five working days and shall obtain a new preceptor who is registered with the board within 60 days.

1. Credit for training shall resume when a new preceptor is obtained and approved by the board.

2. If an alternate training plan is developed, it shall be submitted to the board for approval before the trainee resumes training.

B. If the training program is terminated prior to completion, the trainee and the preceptor shall each submit a written explanation of the causes of program termination to the board within five working days. The preceptor shall also submit all required monthly progress reports completed prior to termination.