Board of Long-Term Care Administrators

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 200
Henrico, Virginia 23233-1463
Board Room #4

December 16, 2014
10:00 a.m.

AGENDA

CALL TO ORDER

ORDERING OF AGENDA

PUBLIC COMMENT PERIOD

ACCEPTANCE OF MINUTES – Tab 1

- Minutes of Board Meeting – June 24, 2014
- Formal Administrative Hearing – June 24, 2014
- Telephonic Conference – July 18, 2014
- Formal Administrative Hearing – September 9, 2014
- Formal Administrative Hearing – September 9, 2014

INFORMAL CONFERENCES HELD

- (2) June 25, 2014
- (4) September 10, 2014
- (1) October 15, 2014

AGENCY DIRECTOR'S WELCOME – Dr. David Brown, DC

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

WORK FORCE DRAFT SURVEY RESULTS – Elizabeth Carter & Justin Crowe

NEW BUSINESS

- Legislative & Regulatory Reports – **Elaine Yeatts – Tab 3**
  - Board Action – Decision on Petition for Rule-making

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, June 24, 2014 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

The following members were present:

Tom Orsini, NHA, Chair
Karen Stanfield, NHA, Vice-Chair
John Randolph Scott, NHA, ALFA
Doug Nevitt, ALFA
Marj Pantone, ALFA
Derrick Kendall, NHA
Warren Koontz, MD, Citizen Member
Shervonne Banks, Citizen Member

The following member was absent for the meeting:

Amanda Gannon, NHA

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

Lisa R. Hahn, Executive Director
David Brown, DC, Agency Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Deputy Executive Director

Quorum:

With 8 members present a quorum was established.

Guests Present:

Beverly Soble, VHCA
Dana Parsons, VANHA

CALLED TO ORDER

Mr. Orsini called the Board meeting to order at 10:40 a.m. and welcomed the new members to the board and asked that everyone introduce themselves.

PUBLIC COMMENT PERIOD

Although there was no public comment; Board member Shervonne Banks apologized to the members for not being able to attend the April meeting but explained it was because of circumstances beyond her control.

ACCEPTANCE OF MINUTES

Upon a motion by Karen Stanfield and properly seconded by Doug Nevitt, the board accepted the following minutes:

Board Meeting – April 24, 2014
Board Meeting – September 24, 2013
Public Hearing – December 10, 2013

The motion passed unanimously.

Mr. Orsini reported that 2 informal conferences were held on December 10, 2013 and that the minutes were posted on the LTC website and Regulatory Townhall.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn also gave welcome to the newest members to the board; Dr. Warren Koontz who was a previous Executive Director for the Board of Medicine; Marj Pantone who serves in the ALFA position; Shervonne Banks, who serves as a Citizen Member; and Derrick Kendall who serves in the NHA position.

Budget

The cash balance as of June 30, 2013 was $(344,393); the revenue to date for FY14 was $380,545; the direct and allocated expenditures were $365,461; the ending cash balance as of April 30, 2014 was $(329,310).

Discipline Statistics

Ms. Hahn reported there are currently 27 open cases; 13 cases in Investigations, 10 cases in the probable cause level, 0 cases in APD, 2 in the informal stage and 2 at the formal stage. Ms. Hahn stated that 19 Orders were currently being monitored for compliance.

Historical Data

Ms. Hahn shared the following case information with the board:

Cases received between January 1, 2009 - 2014:

- 212 ALFA Cases (42 average)

- 140 NHA Cases (28 average)
- Average 70 combined cases per year

Cases received in Jan 2013 – Dec. 2013

- 54 total received
- Tier One efforts and increased professionalism

Case Statistics for CY13

9 Total Informal Conferences Held:

- 7 - ALFA Hearings
- 2 - NHA Hearings
- 4 cases were closed with no violation at IFC
- 5 - Orders with Terms were issued
- 1 revocation and 1 suspensions of licensure in 2013
- 2 revocations and 4 suspensions of licensure in 2012

Ms. Hahn explained to the new board members that the case load decrease was mostly attributed to the upfront work between the board and the enforcement division. The other factor that has contributed to the decrease in cases is a "leveling off" that is seen after a few years of regulating a new profession through the establishment of higher standards. Ms. Hahn concluded that she hopes for the trend to continue in the right direction.

Virginia Performs – Third Quarter 2014

Ms. Hahn reported the clearance rate was 100%. During this quarter we received 7 cases and closed 6. The age of our pending case load over 250 days was at 5%; the percent of cases closed within 250 business days was 60%. Ms. Hahn reported that customer satisfaction rating achieved for the third quarter FY14was 88.9%. She explained that the percentage is based on recent licensees that actually fill out the survey and return to us and that she had not had a chance to review the comments yet. Ms. Hahn concluded that the customer satisfactions rating for FY13 was 100%.

Licensee Statistics

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows:

- NHA: 842 Administrators; 67 AIT's; 233 Preceptors
- ALF: 614 Administrators; 88 AIT's; 4 "Acting AIT's", 182 Preceptors

Board Business

- Renewals were completed March 31st; random audits have been conducted and staff are processing.
- We added a request in renewals for the "voluntary preceptor" list and received additional names.
- Fee Increase approved by Governor – Elaine will go into detail in her report.

Board Communications

Ms. Hahn requested that the board members notify staff in the event they are going to be out of town for an extended period of time so that information that may need a quick response is sent to a member who is available and can respond.

Mr. Orsini concluded by asking the board members to be sure to check their emails and to be sensitive to the time constraints the staff may be under.

New Board Member Orientation

Ms. Hahn announced that DHP will be hosting another new board member orientation on September 5th and encouraged all the new members to mark their calendars to attend. She expressed how important it is for the members to obtain the training and understand what their roles are as board members.

Share Point

Ms. Hahn shared new software that her boards are piloting for the Agency called "SharePoint". She explained that it is software that will allow board members to have portal access to certain secure information such as case files, board agenda's, etc., and that each member must complete a security training before they can begin to use the software. She concluded that the IFC Committee members were already registered and testing the system.

Board Presentations

Ms. Hahn shared that she conducted a presentation in Newport News for VALA in April and was pleased to see everyone there. She added that everyone was very excited to hear about the NAB and the Super Credential they have been working on.

NAB Business

Ms. Hahn reported on her current work with NAB

- She is a Co-Chair of the NAB & ACHCA Workgroup Development Committee. The goal of the Committee is to develop a Model AIT Program and a Model AIT Preceptor Development Curriculum that will hopefully meet preceptor training requirements in multiple states
- Served as the Chair of SG&RIC for the last four years

- Elected as Treasurer for NAB during Annual meeting in June and will hold this position for two years. She will be attending the financial training in Chicago at the end of the week

NAB Professional Practice Analysis

Karen Stanfield and Ms. Hahn updated the Board on the Professional Practice Analysis:

- Past 2 years updating the JTA for both NHA's and ALF's as well as providing a framework for HCBS
- Identifying common knowledge, skills and tasks across the continuum of care and employing them as a basis for a new comprehensive license. (Survey over 8,000)
- The Final Report was presented to the Board of Governors in June.

Board Meeting Calendar

Ms. Hahn asked the board members to reserve the following dates on their calendars:

- **September 9th and December 16th**

NEW BUSINESS

Report of Regulatory Actions – Elaine Yeatts

Ms. Yeatts referred the members to the report included in the agenda packages.

Adoption of Final Amendments for a Fee Increase

Ms. Yeatts reviewed the updated financial position and provided background to assist them with the information they will need to make a decision on proposed fee increases. Ms. Yeatts also reported that the board received no public comment on the proposed regulation.

Ms. Yeatts explained the methodology for the fee increases by offering different options. She explained the difference in the options was a matter of timing and anticipation of the need for another fee increase.

Upon a motion by Dr. Koontz and properly seconded by Karen Stanfield, the board voted to adopt the final amendments for a fee increase with a one-time shortfall assessment. The motion passed unanimously.

The Board also recommended that once the regulations are final that a letter should be sent to our licensees explaining the one-time shortfall assessment.

Adoption of Fast Track Action – Data Bank Report - (Attachment #1)

Upon a motion by Derrick Kendall and properly seconded by Doug Nevitt, the board voted to adopt a Fast Track Action in **18VAC95-20-230. Application package** to require a U.S. Department of Health and Human Services Data Bank (NPDB) report with applications.

The motion carried unanimously.

ADJOURNMENT

Mr. Orsini adjourned the meeting at 12:03 p.m.

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

ATTACHMENT #1

Project 4080 - none **BOARD OF LONG-TERM CARE ADMINISTRATORS**

Data bank report

18VAC95-20-230. Application package.

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

B. An individual seeking licensure as a nursing home 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 regulations relating to the administration of nursing homes; and

5. A current report from the U. S. Department of Health and Human Services Data Bank (NPDB).

C. With the exception of school transcripts, examination scores, the NPDB report, 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.

18VAC95-30-130. 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; and

5. A current report from the U. S. Department of Health and Human Services Data Bank (NPDB).

C. With the exception of school transcripts, examination scores, the NPDB report, 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.

DRAFT UNAPPROVED

VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
FORMAL ADMINISTRATIVE HEARING

Tuesday, June 24, 2014	Department of Health Professions 9960 Mayland Drive, Suite #300	Henrico, Virginia

CALL TO ORDER:	A panel of the Board was called to order at 1:10 p.m.
MEMBERS PRESENT:	Tom Orsini, NHA, Chair Karen Stanfield, Citizen Member Derrick Kendall, NHA Marj Pantone, ALFA Doug Nevitt, ALFA Dr. Warren Koontz, Citizen Member Shervonne Banks, Citizen Member
MEMBERS ABSENT:	Amanda Gannon, NHA
BOARD COUNSEL:	Jim Rutkowski, Assistant Attorney General
STAFF PRESENT:	Lisa R. Hahn, Executive Director Missy Currier, Board Operations Manager
COURT REPORTER:	Andrea Pegram, Certified Court Reporter
OTHERS PRESENT:	Marian R McLean, DHP Investigator
PARTIES ON BEHALF OF COMMONWEALTH:	David Kazzie, Adjudication Specialist
COMMONWEALTH WITNESS:	Jennifer Baker, DHP Senior Investigator
MATTER SCHEDULED:	**Sarah Saunders, ALFA** **License No.: 1706-000542** **Case No.: 150587**
ESTABLISHMENT OF A QUORUM:	With seven (7) members of the Board present, a quorum was established.

DISCUSSION: Ms. Saunders did not appear before the Board in accordance with the Board's Amended Notice of Formal Hearing dated May 27, 2014, and was not represented by counsel. Mr. Orsini noted that proper and adequate notice was given. The Board proceeded with the hearing and 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 Karen Stanfield, and duly seconded by Dr. Warren Koontz, the Board voted to convene a closed meeting at 1:23 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 Sarah Saunders, ALFA. Additionally, she moved that Ms. Hahn, Mr. Rutkowski 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 Marj Pantone, and duly seconded by Doug Nevitt, the Board voted to re-convene at 1:36 p.m. and announced its decision.

CERTIFICATION: Ms. Stanfield 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 Karen Stanfield, and duly seconded by Dr. Koontz, the Board made certain Findings of Fact and Conclusions of Law. The Board voted to **REVOKE THE RIGHT TO RENEW** the license Ms. Saunders.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 1:40 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.

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

UNAPPROVED

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

The Virginia Board of Long-Term Care Administrators convened a telephone conference for consideration of a possible summary suspension on Friday, July 18, 2014, at 9:00 a.m.

MEMBERS PRESENT VIA TELEPHONE:

Tom Orsini, NHA, Chair
Randy Scott, NHA, ALFA
Doug Nevitt, ALFA
Derrick Kendall, NHA
Karen Stanfield, Citizen Member
Amanda Gannon, NHA
Marj Pantone, ALFA
Dr. Warren Koontz, Citizen Member

MEMBERS ABSENT:

Shervonne Banks, Citizen Member

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Missy Currier, Deputy Executive Director
David Kazzie, Adjudication Specialist, Administrative Proceedings Division

MEMBERS FROM THE ATTORNEY GENERAL'S OFFICE PRESENT:

Erin Barrett, Assistant Attorney General, OAG Board Counsel
Wayne Halbleib, Senior Assistant Attorney General, OAG

MATTER SCHEDULED

Respondent: Michael A. Burns, NHA
License No: 1701-002467
Case Number: 157160

INTRODUCTION

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

CALLED TO ORDER

Mr. Orsini called the meeting to order at 9:04 a.m.

ROLL CALL

Ms. Missy Currier took a roll call and with eight (8) members of the Board participating, a quorum was established. Mr. Orsini noted that due to the urgency of this matter and the inability for all Board members to assemble in person, we must hold this conference telephonically pursuant to 54.1-2400(13) of the Code of Virginia.

MEETING
Mr. Wayne Halbleib presented evidence that the continued practice of nursing home administration by Michael Burns, presents a substantial danger to the health, safety and well being of the residents and public.

ACTION
Upon a Motion by Ms. Karen Stanfield to summarily suspend the Nursing Home Administrator license of Michael Burns and offer Mr. Burns a Consent Order for Voluntary Surrender for Revocation in lieu of a Formal Hearing. The Motion was duly seconded by Dr. Warren Koontz, the motion carried unanimously.

ADJOURNMENT
With no further business, the meeting adjourned at 9:36 a.m.

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

DRAFT UNAPPROVED

VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
FORMAL ADMINISTRATIVE HEARING

September 9, 2014	Department of Health Professions 9960 Mayland Drive, Suite #300	Henrico, Virginia

CALL TO ORDER:	A panel of the Board was called to order at 10:16 a.m.
MEMBERS PRESENT:	Tom Orsini, NHA, Chair Derrick Kendall, NHA Marj Pantone, ALFA Doug Nevitt, ALFA Dr. Warren Koontz, Citizen Member
MEMBERS ABSENT:	Amanda Gannon, NHA Shervonne Banks, Citizen Member
BOARD COUNSEL:	Erin Barrett, Assistant Attorney General
STAFF PRESENT:	Lisa R. Hahn, Executive Director Lynne Helmick, Deputy Executive Director
COURT REPORTER:	Andrea Pegram, Certified Court Reporter
OTHERS PRESENT:	Kathy Petersen, Discipline Operations Manager
PARTIES ON BEHALF OF COMMONWEALTH:	David Kazzie, Adjudication Specialist
COMMONWEALTH WITNESS:	Melissa Currier, Deputy Executive Director
MATTER SCHEDULED:	**Bobbie Bradley, ALFA** **License No.: 1706-000325** **Case No.: 154162**
ESTABLISHMENT OF A QUORUM:	With five (5) members of the Board present, a quorum was established.
DISCUSSION:	Ms. Bradley did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated August

11, 2014, and was not represented by counsel. Mr. Orsini noted that proper and adequate notice was given. The Board proceeded with the hearing and 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 Doug Nevitt, and duly seconded by Dr. Warren Koontz, the Board voted to convene a closed meeting at 10:32 a.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 Bobbie Bradley, ALFA. Additionally, he moved that Ms. Hahn, Ms. Barrett and Ms. Helmick 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 Doug Nevitt, and duly seconded by Dr. Warren Koontz, the Board voted to re-convene at 11:13 a.m. and announced its decision.

CERTIFICATION: Mr. Nevitt 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 Doug Nevitt, and duly seconded by Derrick Kendall, the Board made certain Findings of Fact and Conclusions of Law. The Board voted to **SUSPEND** the license of Bobbie Bradley, ALFA for no less than one year. Ms. Bradley must pay to the Board a **MONETARY PENALTY of FIVE HUNDRED DOLLARS ($500.00)**, and she must comply with all terms set forth in the Board's February 4, 2013, Order. Ms. Bradley must provide all residents or responsible parties of residents at facilities where she is registered as the administrator of record a copy of the Board Order.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 11:18 a.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.

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

DRAFT UNAPPROVED

VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
FORMAL ADMINISTRATIVE HEARING

September 9, 2014	Department of Health Professions 9960 Mayland Drive, Suite #300	Henrico, Virginia

CALL TO ORDER:	A panel of the Board was called to order at 12:46 p.m.
MEMBERS PRESENT:	Tom Orsini, NHA, Chair Karen Hopkins Stanfield, ALFA Randy Scott, NHA, ALFA Marj Pantone, ALFA Doug Nevitt, ALFA Dr. Warren Koontz, Citizen Member
MEMBERS ABSENT:	Amanda Gannon, NHA Shervonne Banks, Citizen Member Derrick Kendall, NHA
BOARD COUNSEL:	Erin Barrett, Assistant Attorney General
STAFF PRESENT:	Lisa R. Hahn, Executive Director Lynne Helmick, Deputy Executive Director Missy Currier, Deputy Executive Director Kathy Petersen, Discipline Operations Manager
COURT REPORTER:	Andrea Pegram, Court Reporting Services, LLC
PARTIES ON BEHALF OF COMMONWEALTH:	David Kazzie, Adjudication Specialist
COMMONWEALTH WITNESS:	Laura Pezzulo, DHP Senior Investigator
MATTER SCHEDULED:	**Michael Burns** **License No.: 1701-002467** **Case No.: 157160**
ESTABLISHMENT OF A QUORUM:	With six (6) members of the Board present, a quorum was established.

DISCUSSION: Mr. Burns appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated July 21, 2014. Mr. Burns was not represented by counsel.

Mr. Burns acknowledged he understood of the Order of Proceedings and stated it was his intent to proceed without counsel.

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

CLOSED SESSION: Upon a motion by Karen Stanfield, and duly seconded by Doug Nevitt, the Board voted to convene a closed meeting at 1:32 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 Michael Burns. 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 Doug Nevitt, and duly seconded by Ms. Stanfield, the Board voted to re-convene at 1:58 p.m. and announced its decision.

CERTIFICATION: Ms. Stanfield 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 Ms. Stanfield, and duly seconded by Mr. Scott, the Board made certain Findings of Fact and Conclusions of Law and voted to **REVOKE** the license Mr. Burns.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 2:01 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.

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

Tab 2

Virgina Department of Health Professions
Cash Balance
As of September 30, 2014

	114- Long Term Care Administrators
Board Cash Balance as of June 30, 2014	$ (368,103)
YTD FY15 Revenue	20,346
Less: YTD FY15 Direct and In-Direct Expenditures	123,039
Board Cash Balance as of September 30, 2014	(470,797)

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2014 through Sept. 30, 2014

	114- Long-Term Care Administrat			
	Jul '14 - Sept 14	Budget	$ Over Budget	% of Budget
Revenue				
2400 · Fee Revenue				
2401 · Application Fee	16,640.00	27,225.00	-10,585.00	61.12%
2402 · Examination Fee	0.00			
2406 · License & Renewal Fee	2,495.00	351,450.00	-348,955.00	0.71%
2407 · Dup. License Certificate Fee	15.00	105.00	-90.00	14.29%
2408 · Board Endorsement - In	0.00			
2409 · Board Endorsement - Out	400.00	875.00	-475.00	45.71%
2421 · Monetary Penalty & Late Fees	645.00	4,795.00	-4,150.00	13.45%
2430 · Board Changes Fee	0.00			
2432 · Misc. Fee (Bad Check Fee)	0.00			
Total 2400 · Fee Revenue	20,195.00	384,450.00	-364,255.00	5.25%
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	0.00			
Total 3000 · Sales of Prop. & Commodities	0.00			
9000 · Other Revenue				
9060 · Miscellaneous Revenue	0.00			
9084 · Refund- Prior Yr Disb	150.59			
Total 9000 · Other Revenue	150.59			
Total Revenue	20,345.59	384,450.00	-364,104.41	5.29%
Expenditures				
1100 · Personal Services				
1110 · Employee Benefits				
1111 · Employer Retirement Contrib.	2,770.61	9,951.00	-7,180.39	27.84%
1112 · Fed Old-Age Ins- Sal St Emp	1,663.77	6,175.00	-4,511.23	26.94%
1113 · Fed Old-Age Ins- Wage Earners	0.00			
1114 · Group Insurance	278.57	1,066.00	-787.43	26.13%
1115 · Medical/Hospitalization Ins.	5,313.56	18,348.00	-13,034.44	28.96%
1116 · Retiree Medical/Hospitalizatn	244.17	945.00	-700.83	25.84%
1117 · Long term Disability Ins	70.33	590.00	-519.67	11.92%
Total 1110 · Employee Benefits	10,341.01	37,075.00	-26,733.99	27.89%
1120 · Salaries				
1123 · Salaries, Classified	23,537.85	80,702.00	-57,164.15	29.17%
1125 · Salaries, Overtime	0.00			
Total 1120 · Salaries	23,537.85	80,702.00	-57,164.15	29.17%
1130 · Special Payments				
1131 · Bonuses and Incentives	0.00			
1138 · Deferred Compnstn Match Pmts	203.00	696.00	-493.00	29.17%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2014 through Sept. 30, 2014

	114- Long-Term Care Administrat			
	Jul '14 - Sept 14	Budget	$ Over Budget	% of Budget
Total 1130 · Special Payments	203.00	696.00	-493.00	29.17%
1140 · Wages				
1141 · Wages, General	0.00			
Total 1140 · Wages	0.00			
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			
1166 · Defined Contribution Match - Hy	0.00			
Total 1160 · Terminatn Personal Svce Costs	0.00			
Total 1100 · Personal Services	34,081.86	118,473.00	-84,391.14	28.77%
1200 · Contractual Services				
1210 · Communication Services				
1211 · Express Services	73.02	142.00	-68.98	51.42%
1212 · Outbound Freight Services	0.00			
1213 · Messenger Services	0.00			
1214 · Postal Services	307.83	1,500.00	-1,192.17	20.52%
1215 · Printing Services	0.00	500.00	-500.00	0.0%
1216 · Telecommunications Svcs (DIT)	349.41	1,320.00	-970.59	26.47%
1217 · Telecomm. Svcs (Non-State)	110.32			
1219 · Inbound Freight Services	0.00			
Total 1210 · Communication Services	840.58	3,462.00	-2,621.42	24.28%
1220 · Employee Development Services				
1221 · Organization Memberships	0.00	1,200.00	-1,200.00	0.0%
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	0.00	2,202.00	-2,202.00	0.0%
1230 · Health Services				
1236 · X-ray and Laboratory Services	0.00	110.00	-110.00	0.0%
Total 1230 · Health Services	0.00	110.00	-110.00	0.0%
1240 · Mgmnt and Informational Svcs				
1242 · Fiscal Services	86.13	7,990.00	-7,903.87	1.08%
1244 · Management Services	4.73	6.00	-1.27	78.83%
1246 · Public Infrmtnl & Relation Svcs	19.00			
1247 · Legal Services	405.00	150.00	255.00	270.0%
Total 1240 · Mgmnt and Informational Svcs	514.86	8,146.00	-7,631.14	6.32%
1250 · Repair and Maintenance Svcs				
1251 · Custodial Services	10.76			
1252 · Electrical Rep & Maintenance	0.00	17.00	-17.00	0.0%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2014 through Sept. 30, 2014

	114- Long-Term Care Administrat			
	Jul '14 - Sept 14	Budget	$ Over Budget	% of Budget
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	10.76	17.00	-6.24	63.29%
1260 · Support Services				
1263 · Clerical Services	0.00	1,027.00	-1,027.00	0.0%
1264 · Food & Dietary Services	245.50	683.00	-437.50	35.94%
1266 · Manual Labor Services	65.89	2,182.00	-2,116.11	3.02%
1267 · Production Services	3,186.04	2,960.00	226.04	107.64%
1268 · Skilled Services	125.00	4,408.00	-4,283.00	2.84%
Total 1260 · Support Services	3,622.43	11,260.00	-7,637.57	32.17%
1280 · Transportation Services				
1282 · Travel, Personal Vehicle	1,069.50	4,680.00	-3,610.50	22.85%
1283 · Travel, Public Carriers	0.00	300.00	-300.00	0.0%
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	1,069.50	6,180.00	-5,110.50	17.31%
Total 1200 · Contractual Services	6,058.13	31,377.00	-25,318.87	19.31%
1300 · Supplies And Materials				
1310 · Administrative Supplies				
1311 · Apparel Supplies	0.00			
1312 · Office Supplies	81.99	400.00	-318.01	20.5%
1313 · Stationery and Forms	0.00	100.00	-100.00	0.0%
Total 1310 · Administrative Supplies	81.99	500.00	-418.01	16.4%
1320 · Energy Supplies				
1323 · Gasoline	0.00			
Total 1320 · Energy Supplies	0.00			
1330 · Manufctrng and Merch Supplies				
1335 · Packaging and Shipping Suppl	0.00			
Total 1330 · Manufctrng and Merch Supplies	0.00			
1350 · Repair and Maint. Supplies				
1352 · Custodial Rep & Maint Mat'ls	0.00			
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	0.00	81.00	-81.00	0.0%
1363 · Food Service Supplies	0.00			
1364 · Laundry and Linen Supplies	0.00			
1365 · Personal Care Supplies	0.00			
Total 1360 · Residential Supplies	0.00	81.00	-81.00	0.0%
1370 · Specific Use Supplies				

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2014 through Sept. 30, 2014

	114- Long-Term Care Administrat			
	Jul '14 - Sept 14	Budget	$ Over Budget	% of Budget
1373 · Computer Operating Supplies	0.00			
Total 1370 · Specific Use Supplies	0.00			
Total 1300 · Supplies And Materials	81.99	583.00	-501.01	14.06%
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				
1510 · Insurance-Fixed Assets				
1512 · Automobile Liability	0.00			
1516 · Property Insurance	21.12	25.00	-3.88	84.48%
Total 1510 · Insurance-Fixed Assets	21.12	25.00	-3.88	84.48%
1530 · Operating Lease Payments				
1534 · Equipment Rentals	0.00			
1535 · Building Rentals	0.00			
1539 · Building Rentals - Non State	1,982.87	7,896.00	-5,913.13	25.11%
Total 1530 · Operating Lease Payments	1,982.87	7,896.00	-5,913.13	25.11%
1540 · Service Charges				
1546 · S Purch Ch. Card Check Fee	0.00			
Total 1540 · Service Charges	0.00			
1550 · Insurance-Operations				
1551 · General Liability Insurance	75.82	91.00	-15.18	83.32%
1554 · Surety Bonds	4.47	6.00	-1.53	74.5%
Total 1550 · Insurance-Operations	80.29	97.00	-16.71	82.77%
Total 1500 · Continuous Charges	2,084.28	8,018.00	-5,933.72	26.0%
2200 · Equipment Expenditures				
2220 · Educational & Cultural Equip				
2224 · Reference Equipment	0.00	36.00	-36.00	0.0%
Total 2220 · Educational & Cultural Equip	0.00	36.00	-36.00	0.0%
2230 · Electrnc & Photographic Equip				
2238 · Electronic & Photo Equip Impr	0.00			
Total 2230 · Electrnc & Photographic Equip	0.00			
2260 · Office Equipment				
2261 · Office Appurtenances	0.00	17.00	-17.00	0.0%
2262 · Office Furniture	0.00			
2263 · Office Incidentals	0.00			
2264 · Office Machines	0.00	100.00	-100.00	0.0%
2268 · Office Equipment Improvements	0.00			

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2014 through Sept. 30, 2014

	114- Long-Term Care Administrat			
	Jul '14 - Sept 14	Budget	$ Over Budget	% of Budget
Total 2260 · Office Equipment	0.00	117.00	-117.00	0.0%
2270 · Specific Use Equipment				
2271 · Household Equipment	0.00			
Total 2270 · Specific Use Equipment	0.00			
Total 2200 · Equipment Expenditures	0.00	153.00	-153.00	0.0%
Total Expenditures	42,306.26	159,004.00	-116,697.74	26.61%
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	24,125.50	85,130.41	-61,004.91	28.34%
9301 · DP Operations & Equipment	14,460.17	73,109.40	-58,649.23	19.78%
9302 · Human Resources	3,618.62	11,590.08	-7,971.46	31.22%
9303 · Finance	6,509.32	19,299.62	-12,790.30	33.73%
9304 · Director's Office	3,430.03	11,715.46	-8,285.43	29.28%
9305 · Enforcement	17,082.00	80,751.72	-63,669.72	21.15%
9306 · Administrative Proceedings	7,826.31	14,093.16	-6,266.85	55.53%
9307 · Impaired Practitioners	0.00	164.16	-164.16	0.0%
9308 · Attorney General	274.16	8,726.88	-8,452.72	3.14%
9309 · Board of Health Professions	1,771.50	6,513.96	-4,742.46	27.2%
9310 · SRTA	0.00			
9311 · Maintenance and Repairs	0.00	404.88	-404.88	0.0%
9313 · Emp. Recognition Program	2.18	319.56	-317.38	0.68%
9314 · Conference Center	44.88	212.88	-168.00	21.08%
9315 · Pgm Devlpmnt & Implmentn	1,588.23	6,799.95	-5,211.72	23.36%
Total 9001 · Allocated Expenditures	80,732.90	318,832.12	-238,099.22	25.32%
987900 · Cash Trsfr Out- Appr Act Pt. 3	0.00	1,271.77	-1,271.77	0.0%
Total Direct, Allocated and Cash Transfers Expenditures	123,039.16	479,107.89	-356,068.73	25.68%
Net Cash Surplus\Shortfall	-102,693.57	-94,657.89	-8,035.68	108.49%

Long Term Care Administrators

License Count Report (as of 12/1/14)

NHA Administrator in Training	*82*
ALF Administrator in Training	*107*
"Acting" ALF Administrator in Training	*6*
Nursing Home Administrator	*883*
Assisted Living Facility Administrator	*646*
Nursing Home Preceptor	*244*
Assisted Living Facility Preceptor	*198*
Total	***2,166***

Open Case Report

(As of December 1, 2014)

20 cases in Investigations
10 in Probable Cause
0 in APD
7 at Informal Stage
1 at Formal Stage

38 Total Open Cases

19 LTC cases being monitored for compliance

Virginia Department of Health Professions

Patient Care Disciplinary Case Processing Times: Quarterly Performance Measurement, Q1 2011 - Q1 2015

David E. Brown, D.C.
Director

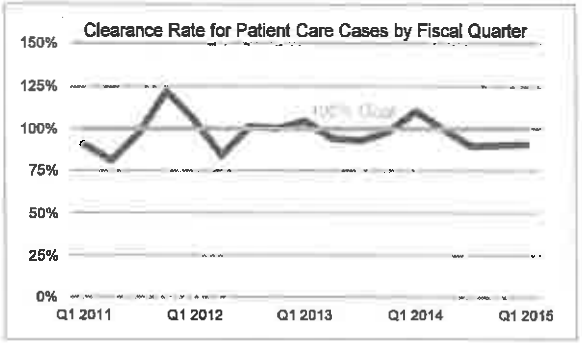
"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."
DHP Mission Statement

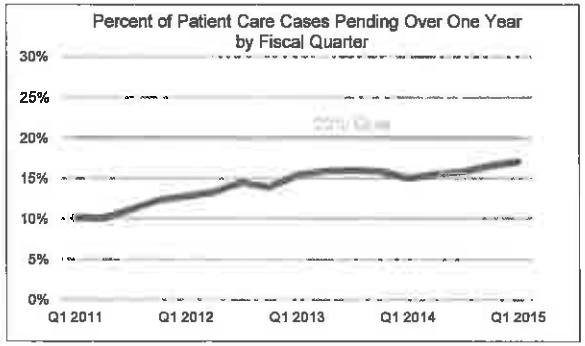
In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website, in biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs). KPMs offer a concise, balanced,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

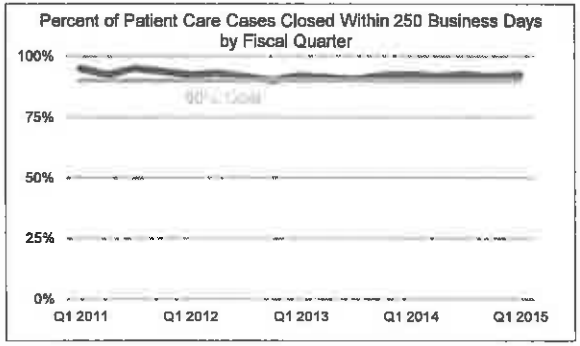
Clearance Rate - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal is to maintain a 100% clearance rate of allegations of misconduct through the end of FY 2016. The current quarter's clearance rate is 91%, with 994 patient care cases received and 902 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 20% through the end of FY 2016. That goal continues to be achieved with the percent of cases pending over 250 business days maintaining an average of 16% for the past 11 quarters. For the last quarter shown, there were 2,397 patient care cases pending, with 411 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 2016. That goal continues to be achieved with 92% percent of patient care cases being resolved within 250 business days this past quarter. During the last quarter, there were 894 patient care cases closed, with 824 closed within 250 business days.







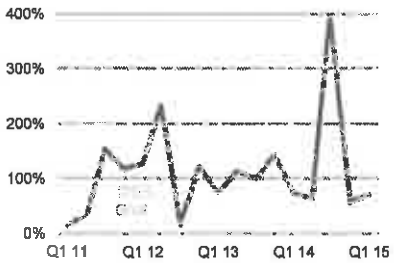
Submitted: 10/3/2014

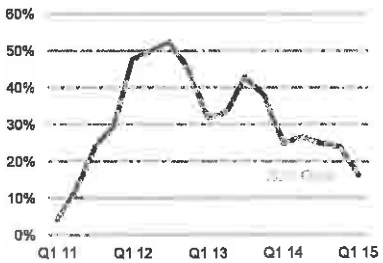
Prepared by: VisualResearch, Inc.

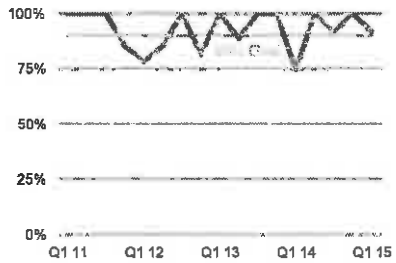
Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

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

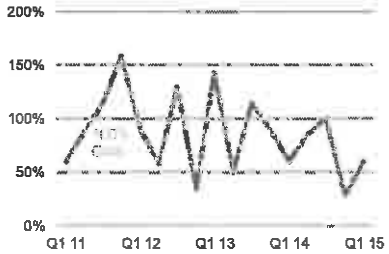
Psychology - In Q1 2015, the clearance rate was 71%, the Pending Caseload older than 250 business days was 16% and the percent closed within 250 business days was 92%.
Q1 2015 Caseloads:
Received=17, Closed=12
Pending over 250 days=6
Closed within 250 days=11

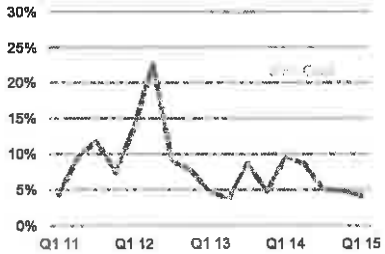


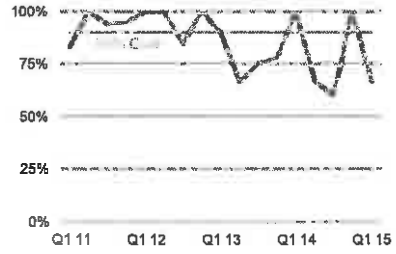




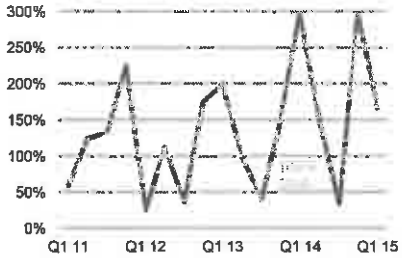
Long-Term Care - In Q1 2015, the clearance rate was 60%, the Pending Caseload older than 250 business days was 4% and the percent closed within 250 business days was 67%.
Q1 2015 Caseloads:
Received=10, Closed=6
Pending over 250 days=1
Closed within 250 days=4

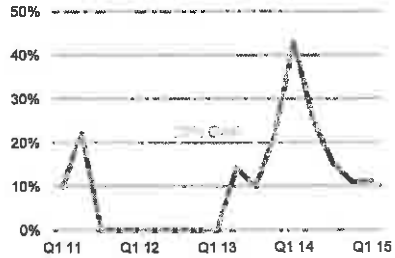


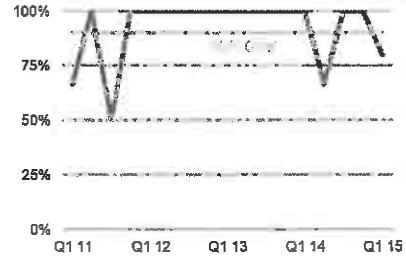




Optometry - In Q1 2015, the clearance rate was 167%, the Pending Caseload older than 250 business days was 11% and the percent closed within 250 business days was 80%.
Q1 2015 Caseloads:
Received=3, Closed=5
Pending over 250 days=1
Closed within 250 days=4







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

Submitted: 10/3/2014

Prepared by: VisualResearch, Inc.

Virginia Department of Health Professions

APPLICANT SATISFACTION SURVEY RESULTS

APPROVAL RATE

FISCAL YEAR 2015, QUARTER ENDING 9/30/2014

Quarter Breakdown	
Quarter 1	July 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

***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. An "n/a" is used if no response was received for that board during the specified timeframe.**

Board	CURRENT 09/30/14	06/30/14	03/31/14	12/31/13	09/30/13	06/30/13	03/31/13	12/31/12	09/30/12	06/30/12	03/31/12	12/31/11
Audiology/Speech Pathology	89.6%	100.0%	100.0%	85.7%	94.8%	100.0%	100.0%	100.0%	97.0%	86.7%	100.0%	100.0%
Counseling	85.5%	92.8%	87.7%	83.2%	80.1%	76.3%	69.9%	78.0%	60.3%	74.5%	71.6%	63.0%
Dentistry	86.3%	88.9%	92.3%	95.9%	90.9%	94.7%	98.7%	94.1%	92.9%	93.7%	96.6%	98.3%
Funeral Directing	N/A	100.0%	88.9%	100.0%	100.0%	100.0%	n/a	100.0%	100.0%	100.0%	n/a	100.0%
Long Term Care Administrator	83.3%	100.0%	88.9%	100.0%	100.0%	n/a	100.0%	100.0%	100.0%	81.0%	100.0%	100.0%
Medicine	92.2%	95.0%	92.2%	91.8%	91.1%	87.5%	94.4%	86.2%	93.9%	95.4%	95.1%	97.0%
Nurse Aide	95.6%	100.0%	96.5%	99.7%	97.2%	99.1%	97.6%	96.8%	97.1%	97.5%	97.7%	97.5%
Nursing	95.6%	94.5%	94.5%	96.4%	94.3%	96.5%	94.4%	93.7%	95.7%	94.7%	97.9%	96.3%
Optometry	100.0%	N/A	N/A	100.0%	100.0%	100.0%	n/a	n/a	n/a	100.0%	100.0%	100.0%
Pharmacy	98.8%	99.1%	97.6%	98.1%	97.7%	97.3%	97.5%	98.8%	97.5%	98.1%	96.1%	96.7%
Physical Therapy	94.3%	90.5%	100.0%	98.7%	96.9%	98.6%	100.0%	96.6%	95.3%	98.2%	100.0%	100.0%
Psychology	89.6%	96.0%	88.9%	92.6%	88.6%	99.1%	89.6%	78.7%	92.8%	90.2%	98.8%	85.0%
Social Work	92.0%	88.5%	95.8%	90.7%	86.6%	94.9%	84.7%	87.3%	84.2%	86.9%	85.6%	83.3%
Veterinary Medicine	100.0%	100.0%	100.0%	100.0%	97.4%	93.3%	83.3%	100.0%	100.0%	98.7%	88.9%	100.0%
AGENCY	*94.2%*	*95.1%*	*94.2%*	*95.0%*	*93.6%*	*93.5%*	*93.5%*	*91.9%*	*94.7%*	*94.5%*	*95.5%*	*95.6%*

Virginia Department of Health Professions

APPLICANT SATISFACTION SURVEY RESULTS

APPROVAL RATE*

LAST FIVE FISCAL YEARS

Quarter Breakdown	
Quarter 1	July 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

*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. "N/A" indicates that no response was received for that board during the specified timeframe.

Board	FY14	FY13	Change Between FY14 & FY13	FY12	Change Between FY13 & FY12	FY11	Change Between FY12 & FY11	FY10	Change Between FY11 & FY10
Audiology/Speech Pathology	94.0%	98.7%	-4.8%	90.5%	9.1%	91.8%	-1.4%	88.9%	3.3%
Counseling	84.9%	72.5%	17.1%	74.3%	-2.4%	75.7%	-1.8%	82.1%	-7.8%
Dentistry	91.8%	94.8%	-3.2%	92.9%	2.0%	95.7%	-2.9%	96.1%	-0.4%
Funeral Directing	97.0%	100.0%	-3.0%	100.0%	0.0%	95.2%	5.0%	73.3%	29.9%
Long Term Care Administrator	98.5%	n/a	100.0%	96.3%	-100.0%	94.4%	2.0%	93.1%	1.4%
Medicine	92.0%	90.3%	1.9%	96.5%	-6.4%	94.1%	2.6%	96.1%	-2.1%
Nurse Aide	98.3%	97.8%	0.5%	97.9%	-0.1%	97.5%	0.4%	98.1%	-0.6%
Nursing	94.9%	95.2%	-0.3%	96.3%	-1.1%	94.8%	1.6%	96.1%	-1.4%
Optometry	100.0%	92.9%	7.6%	100.0%	-7.1%	100.0%	0.0%	96.7%	3.4%
Pharmacy	98.0%	97.9%	0.1%	96.8%	1.1%	97.7%	-0.9%	96.7%	1.0%
Physical Therapy	97.2%	96.8%	0.4%	97.6%	-0.8%	95.3%	2.4%	98.4%	-3.2%
Psychology	91.5%	91.3%	0.2%	84.6%	7.9%	88.1%	-4.0%	89.4%	-1.5%
Social Work	89.1%	88.2%	1.0%	85.5%	3.2%	90.6%	-5.6%	96.3%	-5.9%
Veterinary Medicine	99.3%	95.8%	3.7%	97.6%	-1.8%	97.7%	-0.1%	95.2%	2.6%
Agency Total	94.3%	93.6%	0.8%	95.3%	-1.8%	94.6%	0.7%	95.6%	-1.0%

Tab 3

Report on Regulatory Actions
Board of Long-Term Care Administrators
(as of December 1, 2014)

Chapter		Action / Stage Information
[18 VAC 95 - 20]	Regulations Governing the Practice of Nursing Home Administrators	Report from NPDB for applicants [Action 4214] Fast-Track - *At Governor's Office for 90 days*
[18 VAC 95 - 20]	Regulations Governing the Practice of Nursing Home Administrators	Fee increase [Action 3254] Final - *Register Date: 9/22/14 Became final on October 22, 2014*
[18 VAC 95 - 30]	Regulations Governing the Practice of Assisted Living Facility Administrators	Regulatory reform changes [Action 4097] Fast-Track - *Register Date: 10/6/14 Became final on November 20, 2014*
[18 VAC 95 - 30]	Regulations Governing the Practice of Assisted Living Facility Administrators	Oversight of acting administrators in an AIT program [Action 3514] Final - *At Governor's Office for 90 days*

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 allowance of internet or self-study hours of continuing education

A copy of the Notice for Comment
(NOTE: Comment Period ended11/19/14)

Copies of comments received

A copy of 18VAC95-30-70

Action:

Motion to either:

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

Take no action on the request and state the reasons for doing so.

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,) Bertha Simmons		
Street Address 8500 Saddle Court	Area Code and Telephone Number 703-915-2233	
City Manassas	State Virginia	Zip Code 20110
Email Address (optional) simmonsb@comcast.net	Fax (optional)	

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.

18VAC95-30-70 - Continuing Education Requirements

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

Please consider changing the rule that "10 of the 20 hours of continuing education can be done through internet or self-study" to allow administrators to use more ceus through internet classes. It is very hard for most administrators to take time to attend seminars and also they have to pay for it on their own as most companies do not pay for continuing education. Several other states allow all ceus to be obtained through internet courses.

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.

Signature: Bertha Simmons Date: 9/23/14

Request for Comment on Petition for Rulemaking

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

Regulatory Coordinator: Elaine J. Yeatts
(804)367-4688
elaine.yeatts@dhp.virginia.gov

Agency Contact: Lisa Hahn
Executive Director
(804) 367-4424
lisa.hahn@dhp.virginia.gov

Contact Address: Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, VA 23233

Chapter Affected:
18 vac 95 - 30: **Regulations Governing the Practice of Assisted Living Facility Administrators**

Statutory Authority: State: 54.1-2400 and 54.1-3102

Date Petition Received 09/24/2014

Petitioner Bertha Simmons

Petitioner's Request
Requesting that regulations be amended to allow all of the continuing education hours to be obtained through self-study or internet.

Agency 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 November 19, 2014. The petition and copies of all comment will be considered by the Board of Long-Term Care Administrators at its meeting scheduled for December 16, 2014. After considering the request and reviewing the comments, the Board will decision whether to initiate rule-making or deny petition and retain the current requirements.

Publication Date 10/20/2014 *(comment period will also begin on this date)*

Comment End Date 11/19/2014

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Agency **Department of Health Professions**

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

Chapter **Regulations Governing the Practice of Assisted Living Facility Administrators [18 VAC 95 – 30]**

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Commenter: Dianne Rencsok * 11/17/14 1:08 pm

not in agreement

The requested petition, VA.R. Doc. No. R15-08, is not supported as submitted.

As the public becomes more aware of assisted living concerns, it behooves administrators to participate in at least some in-person continuing education functions. If all continuing education was self-study, the administrator risks not being aware of current issues. Additionally, the effectiveness of that self-study cannot be evaluated, reducing the possibility of transparency for the suggested change.

The regulations already include the board's right to grant an exemption for all or part of the continuing education requirements. It would seem that would be sufficient on a year to year case.

* Nonregistered public user

Virginia Health Care Association
SERVING THE LONG TERM CARE NEEDS OF VIRGINIA

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Richmond, Virginia 23227
Telephone: (804) 353-9101 Fax: (804) 353-3098
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November 17, 2014

Ms. Lisa Hahn, Executive Director
Board of Long Term Care Administrators
Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, VA 23233
lisa.hahn@dhp.virginia.gov

RE: Regulations Governing the Practice of Assisted Living Facility Administrators
Petitioner's Request

The Virginia Health Care Association and its Assisted Living membership, the Virginia Center for Assisted Living, appreciate the opportunity to submit comments on the petition that was filed requesting that regulations for Assisted Living Administrators be amended to allow all of the continuing education hours to be obtained through self-study or internet. We oppose the petition and believe that the current regulations governing continuing education requirements allow ample opportunity for assisted living administrators to obtain the required number of approved continuing education through self-study courses and the Internet. The Board's regulation, 18VAC95-30-70. Continuing education requirements, already *allow up to 10 of the 20 hours to 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.*

We respectfully request that the Board deny the petitioner's request.

Sincerely,

Beverley A. Soble
Vice President of Regulatory Affairs

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 for the first renewal 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.