

# BOARD OF LONG-TERM CARE ADMINISTRATION

April 13, 2022

10:00 am to 12:30 pm

OPEN SESSION MEETING MINUTES

## Virtual Meeting Notice

*Due to the COVID-19 pandemic, all board meetings were held virtually during the declared public health emergency.*

*Information on how to access the public portion of the meeting is listed below:*

### **This meeting was available by Web**

Meeting number: 172 290 0979

Password: wJPwhgEp326

<https://dcnet.webex.com/dcnet/j.php?MTID=m2b72fb8b3db90f64385c42b549813954>

### **This meeting was available by Phone**

Call in Number: 1-650-479-3208 Call-in toll number (US/Canada)

Access Code: 160 019 7343

**BOARD OF LONG-TERM CARE ADMINISTRATION**

**OPEN SESSION MINTUES**

**April 13, 2022**

<p><b>OS-0422-01</b></p>	<p><b>CALL TO ORDER AND ROLL CALL</b></p> <p><b>Board Members:</b></p> <ul style="list-style-type: none"> <li>• <b>Shawntelle Nesmith, Chairperson</b></li> <li>• <b>Dallas Salisbury, Consumer Member</b></li> </ul> <p><b>Board Staff:</b></p> <ul style="list-style-type: none"> <li>• <b>LaTrice Herndon, Executive Director</b></li> <li>• <b>Ajay Gohil, Board Attorney</b></li> <li>• <b>Tamika Wells, Health Licensing Specialist</b></li> <li>• <b>Gregory Scurlock, Compliance Officer</b></li> </ul> <p><b>Visitor:</b></p> <ul style="list-style-type: none"> <li>• <b>Matteo Lieb- Legislative Affairs</b></li> </ul>	
<p><b>OS-0422-02</b></p>	<p><b><u>OPEN SESSION AGENDA</u></b></p> <p><b><u>Board Action:</u></b> Acceptance of Agenda for April 13, 2022, Open Session Agenda.</p> <p><b><u>Motion:</u></b> Motion made by Mr. Salisbury to accept the April 13, 2022, Open Session Agenda. Seconded by Ms. Nesmith.</p> <p><b><u>Vote:</u></b> Ms. Nesmith and Mr. Salisbury voted in favor of the motion. The motion passed unanimously.</p>	
<p><b>OS-0422-03</b></p>	<p><b><u>OPEN SESSION MINUTES</u></b></p> <p><b><u>Board Action:</u></b> Consideration of the Open Session Minutes from the January 25, 2022, meeting.</p> <p><b><u>Motion:</u></b> Motion made by Mr. Salisbury to accept the April 13, 2022, Open Session Agenda. Seconded by Ms. Nesmith.</p> <p><b><u>Vote:</u></b></p>	

	Ms. Nesmith and Mr. Salisbury voted in favor of the motion. The motion passed unanimously.	
OS-0422-04	<ul style="list-style-type: none"> <li>• <b><u>EXECUTIVE DIRECTOR’S REPORT</u></b></li> </ul> <p><b>I. Vaccine and Booster Update</b></p> <p>The Executive Director provided an update on the District’s Booster Mandate. As of April 6, 2022, health professionals will no longer require receiving a COVID Booster Vaccine to apply for or maintain licensure in the District of Columbia. However, District of Columbia Board of Physical Therapy – April 13, 2022, MINUTES 3   Page health professionals still need to have received one (1) Johnson and Johnson vaccine or two (2) Pfizer or Moderna vaccine shots to apply or maintain licensure in the District of Columbia.</p> <ul style="list-style-type: none"> <li>• <b><u>CHAIRPERSON’S REPORT</u></b></li> </ul> <p>Madam acting Chair Ms. Nesmith inquires Board staff about upcoming conferences and reimbursement.</p> <ul style="list-style-type: none"> <li>• <b><u>BOARD ATTORNEY’S REPORT</u></b></li> </ul> <p>None</p>	
OS-0422-05	<p><b><u>ASSISTED LIVING ADMINISTRATORS (ALA) RULEMAKING</u></b></p> <p><b><u>Board Action:</u></b></p> <p>The Board to discuss the implementation of the ALA regulations and determine the terms, application development, fee schedule, and the perspective of the licensee.</p> <p>No Formal Motion Made</p> <p><b><u>Background:</u></b></p> <p>The Assisted Living Administrator final regulations were published in the February 18th D.C. Register.</p> <p>The Board attorney has submitted the final rulemaking after receiving no written comments. The Board attorney expects the regulation to be finalized by the next Board meeting in April 2022.</p> <p>In July 2021, recommendation on section (11311.5) was shared with the Board to only include for individuals who have meet all</p>	

	<p>the requirements as listed in section 11306 (licensure by Endorsement). The Board voted to allow staff to brainstorm and include the recommended information.</p> <p>In April 2021, the Board voted to approve the rulemaking with the changes under 11302.1(c) by requiring 320 practicum hours.</p> <p>ALA rulemaking was forwarded for legal sufficiency. The OAG office needed clarification on “training requirements” that 11311.5 intends to exempt.</p> <p>In July 2020, the Board accepted the second proposed ALA Rulemaking. The Senior Deputy Director has reviewed the proposed rulemaking and has questions regarding the qualifications in 11302.1(c) and the requirement of 480 hours of practicum. Wanted clarity regarding why the requirements are more stringent than 11302.1(b). Based on the curriculum for nursing, medicine, and other health professional programs; social services, psychology, some of the core courses are required.</p> <p>The proposed ALA rules were opened to public comments. There are 2 Guardant letters included - one with the board attorney’s response and the other one is the comment from the public.</p> <p>In October 2019, the Board addressed the comments from the public. The attorney for the Board has made updates to the ALA rules to address the public comments received.</p> <p>There was no comment period received from the public.</p>	
<p><b>OS-0422-06</b></p>	<p><b><u>MOTION TO CLOSE</u></b></p> <p><b><u>Board Action:</u></b> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p>The next meeting of the Board is scheduled for <b><u>July 13, 2022, at 10AM.</u></b></p> <p><b><u>Motion:</u></b> Motion made by Mr. Salisbury to close the Open Session. Seconded</p>	

	<p>by Ms. Nesmith.</p> <p><b><u>Vote:</u></b> Ms. Nesmith and Mr. Salisbury voted in favor of the motion. The motion passed unanimously.</p> <p><b><u>Background:</u></b> Chairperson, I move that the Board close the Open Public session portion of the meeting and move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the following purposes: to discuss disciplinary matters pursuant to § 2-575(b)(9); to seek the advice of counsel to the board, to preserve the attorney-client privilege, or to approve settlement agreements pursuant to § 2- 575(b)(4); and to plan, discuss, or hear reports concerning ongoing or planned investigations pursuant to § 2-575(b)(14).”</p>	
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<p><b>FY-01</b></p>	<p><b><u>Expiration of Licensure Waiver</u></b></p> <p><b><u>Background:</u></b> DC Law, D.C. Act 24-240, currently permits healthcare practitioners licensed in good standing in another state or jurisdiction to practice in the District without having to obtain a DC license under two (2) circumstances: (1) working at a licensed DC health care facility, or (2) providing continuity of health care services to existing patients who have returned to the District. Additionally, to qualify to provide services under the licensure waiver, practitioners must be fully vaccinated against COVID-19 or has been granted medical or religious exemption by DC Health. The licensure waiver provision is effective until August 10, 2022. However, as of April 1, 2022, practitioners practicing under the licensure waiver are required to have an licensure application on file with DC Health to continue to operate under the waiver</p>	

The next meeting of the Board is scheduled for **July 13, 2022, at 10:00 am.**