

BOARD OF LONG-TERM CARE ADMINISTRATION

January 25, 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 AGENDA
January 25, 2022**

<p>OS-0125-01</p>	<p>CALL TO ORDER AND ROLL CALL</p> <p>The January 25, 2022, Open Session meeting was called to order at 10:13 am and a quorum was established.</p> <p><u>Board Staff:</u> Keysha Dale, Chairperson-Present B. Michelle Harris-Present Shawntelle Nesmith-Present Dallas Salisbury-Present</p> <p><u>Staff:</u> LaTrice Herndon, Executive Director-Present Ajay Gohil, Board Attorney-Present Tamika Wells, Health Licensing Specialist-Present Fatima Abby, Health Licensing Specialist-Present Deb Moss, Investigator-Present</p> <p><u>Guest:</u> Cory Atanda, FBI System</p>	
<p>OS-0125-02</p>	<p><u>OPEN SESSION AGENDA</u></p> <p><u>Board Action:</u> Acceptance of Agenda for January 25,2022, Open Session Agenda.</p> <p><u>Motion:</u> No Formal motion was made.</p> <p><u>Vote:</u> No Formal motion was made.</p>	
<p>OS-0125-03</p>	<p><u>OPEN SESSION MINUTES</u></p> <p><u>Board Action:</u> Consideration of the Open Session Minutes from the October 13, 2021, meeting.</p>	

	<p>Motion: Motion made by Ms. Nesmith to accept the course toward management of long-term care institution. Seconded by Mr. Salisbury</p> <p>Vote: Ms. Dale, Mr. Salisbury, Ms. Nesmith voted in favor of the motion. The motion passed unanimously</p>	
OS-0125-03	<p><u>EXECUTIVE DIRECTOR’S REPORT</u></p> <p>Madam Executive Director Ms. LaTrice Herndon reports:</p> <p>Ms. Herndon introduces Mr. Dallas Salisbury as the Board’s new Consumer member and Ms. Tamika Wells as the Board’s new assigned Health Licensing Specialist. However, the previous Health Licensing Specialist, Ms. Fatima Abby will be assisting with inquires the Board may receive and pass them long to Ms. Wells.</p> <p><u>Limited Public Health Emergency:</u> On January 11, 2022, Mayor Muriel Bowser has declared a temporary public health emergency until January 26, 2022.</p>	
OS-0125-04	<p><u>CHAIRPERSON’S REPORT</u></p> <p>Madam Board Chairperson Dr. Dale reports:</p> <p>Dr. Dale reports working alongside the DC Health Facilities Department and receiving weekly information and having the opportunity to ask questions and gain clarifications relating to COVID-19 visitation policy practices.</p> <p>Dr. Dale also reports that CMS implemented staffing turnover on the Nursing Home Compare website. The website will provide information regarding the total number of nurses and nursing administrators that have resigned over the past year.</p>	
OS-0125-05	<p><u>BOARD ATTORNEY’S REPORT</u></p> <p>Board Attorney Ajay Gohil reports:</p> <p>Currently, there is no updates regarding the Districts HORA revisions bill or any amendments to the criminal background check</p>	

	<p>that council passed in December 2020.</p> <p><u>Healthcare Amendment Act of 2020</u></p> <p>The Healthcare Amendment Act of 2020 law regulations were finalized in October of 2021. The late Board Attorney Van Brathwaite drafted these regulations for the Board before he passed in April of 2020. This law will require each licensee to submit to the Board any malpractice judgment, confidential settlement, and or conviction of a crime within ten days. Previously, this information would be requested when the licensees renew their license during the renewal period every two years.</p> <p>Facilities and employers will have to notify the board within ten (10) business days. If any licensee is fired or any kind of personnel action is taken against the licensee, the facility or employer will face a \$10,000 fine if the Board is not notified promptly.</p> <p>The Board attorney also reports that COVID-19 status reports, COVID-19 CE (continuing education) requirements, and vaccination requirements are now available on the DC Health website. That long-term administrators must complete two (2) hours of COVID-19 during the renewal period.</p> <p>Lastly, upcoming projects for the Board is drafting the Home Health Administrator Regulations.</p>	
<p>OS-0125-04</p>	<p><u>ASSISTED LIVING ADMINISTRATORS (ALA) RULEMAKING</u></p> <p><u>Board Action:</u> Update will be provided by the Board Attorney.</p> <p><u>Background:</u> In July 2021, recommendation on section (11311.5) was shared with the Board to only include for individuals who have meet all 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</p>	

	<p>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><u>Update:</u></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>OS-0125-05</p>	<p><u>MOTION TO CLOSE</u></p> <p><u>Board Action:</u> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p><u>Motion:</u> Motion made by Ms. Nesmith to accept the course toward management of long-term care institution. Seconded by Mr. Salisbury.</p> <p><u>Vote:</u> Ms. Dale, Mr. Salisbury Ms. Nesmith voted in favor of the motion. The motion passed unanimously.</p> <p>The next meeting of the Board is scheduled for <u>April 13, 2022, at 10AM.</u></p>	

	<p>Background: 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><u>THIS SECTION IS FYI ONLY</u> <u>NO BOARD DECISION OR ACTION IS NEEDED</u></p>	
FY-01	<p><u>Expiration of Licensure Waiver</u></p> <p>Background: The licensure waiver expired on July 25, 2021. Out of state licensees using the waiver have 60-days from July 25, 2021 to finalize services with DC residents and/or become licensed in DC. At this time, the waiver has been extended to March 31, 2022.</p>	

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