

Subject: Reissue of Enforcement Procedures for Licensure of ALF Administrators

Dear Assisted Living Provider,

We are reissuing the Department of Social Services' (DSS) enforcement procedures regarding licensure of assisted living facility (ALF) administrators. The procedures have not changed. They were developed by DSS in collaboration with the Department of Health Professions. However, they were originally issued together with the enforcement procedures document regarding medication aide registration, which has changed. Therefore, the two documents have been separated and this is the reason for reissuing the procedures regarding ALF administrator licensure. The revised procedures document for medication aide registration may also be found on this website. If you have questions or require further clarification, please contact your Licensing Inspector. Thank you.

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

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## Provider Enforcement Procedures in Regard to Licensure of ALF Administrators

Effective January 2, 2009, ALFs licensed for both residential and assisted living care must have an administrator who is licensed as either an ALF administrator or nursing home (NH) administrator by the Virginia Board of Long-Term Care Administrators. (Standard 200 F in 12/28/06 regulation and Standard 191 E in fast-track regulation)

The following procedures will be followed by licensing staff in the enforcement of the requirement for administrator licensure. (Unless otherwise noted, related normal procedures are applicable.)

### Step 1

1. Inspectors will check the licensing database to ensure it contains the correct name for the administrator of record for each ALF by December 31, 2008.
2. Licensing staff will compare the Department of Health Professions' (DHP) lists of currently licensed ALF and NH administrators to the licensing database's list of administrators or record.
3. Licensing staff will notify inspectors of ALF administrators who were not licensed as of January 2, 2009 and the facility in which they work by January 30, 2009.
4. Inspectors will contact by telephone the ALF administrators noted in #3 of Step 1 to verify their licensure status. If not licensed, inspectors will explain that the facility will be cited on a violation notice and a Corrective Action Notice and Plan (CANP) form must be completed, and that both forms will be mailed, along with an inspection summary, to the administrator. The inspector will ask for the administrator's social security number so that it can be reported, along with the other information referenced in #5 of Step 1, to DHP. Inspectors will cite a violation of either 200 F or 191 E, whichever is in effect, on the violation notice and send it with the CANP and the inspection summary to unlicensed ALF administrators. The actions specified in this provision (#4 of Step 1) are to be completed within 15 business days. If an inspector is in a facility during this period of time, he or she may add the citation to an inspection violation notice.
5. As soon as an inspector verifies that a facility is operating without a licensed administrator, he or she will notify the Enforcement Division of DHP. The information provided to DHP is to include a statement that the administrator of record is not licensed, the name of the administrator, the administrator's social security, and the name and location address of the assisted living facility.
6. The CANP is to be returned by the provider to the regional licensing office by the return date specified on the CANP, which is to be 12 calendar days after the date the CANP was mailed to the ALF administrator. The violation notice and the inspection summary are to be returned at the same time. If this time frame is not met, additional action may occur.
7. The educational and training requirements of the DHP regulations and where the administrator is in the process of becoming licensed will be considered in determining

the reasonableness of each CANP. However, the time frame for an ALF to have a licensed administrator is not to exceed 90 calendar days from the expected return date of the CANP. The CANP is to include the method and type of documentation that the ALF administrator will use to notify the inspector once the ALF has a licensed administrator.

### Step 2

1. The inspector, no later than five business days after the date the action was to be completed, will determine whether the corrective action in the CANP has been completed within the agreed upon time frame.
2. For administrators who have become licensed, inspectors will confirm this by viewing the documentation of licensure maintained by the facility as required by Standard 290 C 11, or a copy thereof, or by checking DHP information on currently licensed administrators on its website. Guidance for accessing the DHP information is provided at the end of the document.
3. If the CANP has not been completed within the agreed upon time frame, one of the following two actions is to be taken:
  - a. If the facility license is not up for renewal within 30 calendar days after the end of the CANP time frame, the violation is cited again on a violation notice and a civil penalty of \$800 is to be imposed on the ALF. This civil penalty amount is based on a risk assessment of a medium likelihood of occurrence with a probability of serious injury (B-2). The time frame for an ALF to have a licensed administrator is not to exceed 60 calendar days from the date of issuance of a second violation notice.
  - b. If the facility license has a renewal within 30 calendar days after the end of the CANP time frame, the violation will be cited again on a violation notice and instead of a civil penalty, a provisional license will be issued when the license expires. This provision (#3b of Step 2) does not apply to a facility with a conditional license, which is subject to #3a of Step 2. The time frame for an ALF to have a licensed administrator is not to exceed 60 calendar days from the issuance of the second violation notice.
4. On and after January 2, 2009, an initial ALF license will not to be issued to any applicant that does not have a licensed administrator.

### Step 3

1. The inspector, no later than five business days after the date the action was to be completed, will determine whether the corrective action in the latest violation notice has been completed within the agreed upon time frame.
2. If the corrective action has not been completed within the agreed upon time frame, the action that is taken at this point is determined on a case by case basis.

Please note that the above pertains to licensure of the ALF administrator. There could be other violations that add to the assessed risk, increasing the amount of a civil penalty or otherwise altering the action taken by the Division of Licensing Programs.

Once there is an initial determination of compliance with the requirement for a licensed administrator, inspectors will review documents for determining continued compliance. Administrator licenses are in effect for one year, although there are adjustments made for the first period of time, depending upon the beginning date of the original license. All ALF and NH administrator licenses have the same expiration date of 03/31.

#### Guidance for Accessing Information on ALF Administrator Licensure on DHP Website

- Go to the website at <http://www.dhp.virginia.gov>
- Click on License Lookup in the column on the left
- Click on the scroll down arrow for Occupation and then click on Assisted Living Facility Administrator or Nursing Home Administrator, whichever is applicable
- Enter the first name of the person in the next space
- Enter the last name of the person in the space after that
- Click on search