

# **ADVISORY BOARD ON NURSING HOME OVERSIGHT AND ACCOUNTABILITY**

## ***STRENGTHENING OVERSIGHT OF VIRGINIA'S NURSING HOMES – EXECUTIVE ORDER FIFTY-TWO (2025)***

**Monday, September 15, 2025 | 2:00 PM to 4:00 PM**  
**Perimeter Center, Board Room #2**  
**9960 Mayland Drive, Richmond, Virginia 23233**

### **Members In Attendance**

#### ***Attended In-Person:***

The Honorable Janet Kelly, Secretary of Health and Human Resources; Sherrin Alsop, Board of Supervisors, King and Queen County; Peter Anderson, JD, ElderCare Litigation Attorney, Rawls Law Group; Todd Barnes, NHA, MED, Administrator, Department of Veterans Services; Jackson Baynard, Fire Chief, Henrico County; Jonathan Cook, President and CEO, LifeSpire of Virginia; James Dau, Associate State Director, AARP; Laura Finch, MS, GNP, RN, Gerontological Nurse Practitioner and Adjunct Professor, VCU Center on Aging; Amanda Gannon, District Vice President of Operations, Green Tree Healthcare; Candace Gilliam, LPN, Licensed Practical Nurse, August Healthcare; Emily Hardy, JD, Elder Law Attorney, Virginia Poverty Law Center; Joanna Heiskill, Justice and Change for Victims of Nursing Facilities; Jeannie Hubbard (representing Sam Kukich), City Council Member, City of Poquoson; Joani Latimer, State Long Term Care Ombudsman, Department for Aging and Rehabilitative Services; Paige McCleary, Adult Protective Services Division Director, Department for Aging and Rehabilitative Services; Cheryl Roberts, JD, Director, Department of Medical Assistance Services; Dr. Karen Shelton, MD, Commissioner, Virginia Department of Health; James Sherlock, Captain, USN, Retired, Contributor, Bacon's Rebellion; Corrie Tillman Wolf, JD, Executive Director, Board of Long Term Care Administrators Department of Health Professions.

#### ***Attended Virtually:***

Karen Kimsey, Founder, Walela Health Consulting, and Carla Hesseltine, Chair, Commonwealth Council on Aging.

### **Office of the Secretary of Health and Human Resources Staff in Attendance**

Leah Mills, Deputy Secretary; Jona Roka, Assistant Secretary; Mindy Diaz, Special Assistant; Elizabeth Gillanders, Special Assistant; Cheryl Oppan, Special Assistant; James Spotts, Special Assistant

### **Virginia Department of Health Staff in Attendance**

R. Christopher Lindsay, MBA, Chief Operating Officer; James Jenkins, BS-N, RN, SCR.N, Acting Director, Office of Licensure and Certification; Geoff Garner, Senior Policy Analyst, Office of Licensure and Certification; Val Hornsby, Policy Analyst, Office of Licensure and Certification.

## **Welcome and Introductions**

*The Honorable Janet Kelly, Secretary of Health and Human Resources*

*Dr. Karen Shelton, Commissioner, Virginia Department of Health*

Secretary Kelly opened the meeting and thanked all long-term care workers in attendance. She acknowledged Commissioner Shelton and Director Roberts. She stated that nursing homes are a priority for the Governor and his commitment towards improving the quality of care. Secretary Kelly discussed the 2025 General Assembly legislation regarding nursing home fees and sanctions for noncompliant nursing homes and reviewed the purpose of the Advisory Board. She thanked staff and emphasized the crucial role of family members and advocates. She also asked the Advisory Board to look to the future regarding nursing home issues, and the goal would be to provide consensus on options for the Governor.

Secretary Kelly announced that the Chair of the Advisory Board will be Karen Kimsey. Ms. Karen Kimsey is the founder of Walela Health Consulting and works as a senior advisor for McKinsey & Company. She was appointed by Governor Northam as the Director for the Virginia Department of Medical Assistance Services and has over two decades of leadership experience spanning state Medicaid programs, healthcare and community systems.

Ms. Kimsey thanked Secretary Kelly and stated that she was delighted to serve in the role as Chair of this very important Board. She apologized for not attending the meeting in person and reiterated that the work this Board would be doing was very significant and that she was looking forward to working with the members of the Advisory Board.

Dr. Shelton provided remarks following Secretary Kelly, highlighting the current role of the Department of Health in overseeing the quality of care in Virginia's nursing homes. Dr. Shelton welcomed the members of the Advisory Board and asked that they briefly introduce themselves and shared which agency or organization they represent.

## **Review of Executive Order 52**

*Dr. Karen Shelton, Commissioner, Virginia Department of Health*

Dr. Shelton provided an overview on Executive Order 52 ("EO 52"), which was to make recommendations on quality and oversight of nursing homes. She discussed how the Virginia Department of Health's Office of Licensure and Certification ("OLC") is addressing EO 52 with retention and recruitment efforts, improving internal processes, and the convening of the Advisory Board meetings. Dr. Shelton noted that all meeting materials including presentations would be livestreamed and all materials would be made available on the Secretary of Health and Human Resources' HHR long-term care website at <https://www.hhr.virginia.gov/initiatives/long-term-care/>.

## **Virginia Department of Health – Office of Licensure and Certification Update**

*Christopher Lindsay, Chief Operating Officer, Virginia Department of Health*

Mr. Lindsay thanked medical facility inspectors (“MFIs”) for the work they do every day and provided an overview of the long-term care program at the OLC. He discussed the year-over-year complaint trends for OLC, including the increase in immediate jeopardy complaints. He mentioned the increase in the frequency with which the OLC conducts recertification surveys for nursing homes and the OLC’s vacancies. Mr. Lindsay discussed the mandate of EO 52 regarding hiring MFIs, establishing a Northern Virginia office for OLC, assessing workflow, and training and onboarding. He also highlighted recruitment and retention strategies at OLC, including recruitment for leadership positions and training manager positions. Mr. Lindsay then highlighted the automation of complaint systems at OLC and closed with discussion of the 2025 legislation regarding nursing home fees and intermediate sanctions.

Secretary Kelly asked what qualifications OLC is looking for in its applicants for MFI positions. Mr. Lindsay stated that VDH is looking for clinical experience, and he discussed the priority of having complaint response teams.

### **State Long-Term Care Ombudsman**

*Joani Latimer, State Long-Term Care Ombudsman, Department for Aging and Rehabilitative Services*

Ms. Latimer presented on the Office of the Long-Term Care Ombudsman (“LTC Ombudsman”) and stated that the Advisory Board is a critical step for providing a voice to those who would otherwise not be heard. She informed the Advisory Board that the LTC Ombudsman advocates for a vulnerable population who otherwise would be unable to speak for itself, that laws and regulations require implementation and accountability, that state ombudsmen are required by federal law, and that Virginia’s Office of the LTC Ombudsman is housed within the Department of Aging and Rehabilitative Services (“DARS”). She stated that the LTC Ombudsman identifies, investigates, and resolves resident complaints and provides information and technical support to residents and their families. Ms. Latimer expressed that the LTC Ombudsman endeavors to prevent suffering and harm and provides information for prevention. She further stated that the LTC Ombudsman is resident-centered, they are not a regulatory body and provided an overview of complaint data and funding. Ms. Latimer then outlined the state of Virginia’s nursing homes and issues of harm which arose due to inadequate staffing, which was particularly problematic during the COVID-19 pandemic. She addressed common types of nursing home complaints and Centers for Medicare and Medicaid Services (“CMS”) star ratings in Virginia. She also discussed nursing home ownership issues as well as next steps regarding transparency, better care, and more staffing at nursing homes.

Secretary Kelly asked Ms. Latimer for an example of a concern in a Virginia nursing home. Ms. Latimer gave an example of a broken wheelchair and its impact on the quality of care and life for a disabled veteran.

### **Advisory Board Discussion**

After the presentations concluded, Dr. Shelton led a discussion among Advisory Board members. Mr. Dau asked whether there is any indication that residents are not submitting complaints and what the difference is between for-profit and not-for-profit CMS star quality. Ms. Latimer provided follow-up information to the Advisory Board about her experiences regarding some nursing facilities telling their residents not to talk to inspectors and the LTC Ombudsman.

Secretary Kelly asked if it is legal to tell a resident not to talk to the surveyors or the LTC Ombudsman. Mr. Anderson stated that it would not be legal to direct staff and residents to not communicate with the LTC Ombudsman.

Captain Sherlock stated his observation that the funding for OLC was a key issue and discussed the Colonial Heights Nursing Home investigations. Captain Sherlock explained the issue of nursing home ownership transparency. He also stated that low staffing is a design feature for nursing homes in the Commonwealth, because they can get more Medicare and Medicaid funds with minimal staff. He noted that VDH required a forensic accountant or a systems engineer to figure out where money was going for nursing homes. Captain Sherlock stated that the worst nursing homes have the highest occupancy rates and suggested that the Certificate of Public Need factored in this issue. He also suggested that there is an issue with discharge from hospitals and hospitals' choices of nursing homes for discharged patients.

Ms. Gannon stated that the Advisory Board should be cautious about painting all nursing homes in Virginia with a broad brush, because not all nursing homes in Virginia are the same and that many were committed to providing quality care. Secretary Kelly thanked Ms. Gannon for her comment.

Secretary Kelly asked how VDH can hire more nursing home administrators. Ms. Gannon stated that there needs to be a strong leadership program for training administrators.

Ms. Hardy asked about the complaint intake process changes proposed and if there will still be options other than online submission of complaints, given that some individuals do not have technology available to them. Mr. Lindsay stated that online would be the primary process encouraged for submission of complaints.

Ms. Heiskill asked if the staff VDH is hiring are compatible with the environment and not just clinically qualified. Mr. Lindsay stated that current staff MFIs will be a part of the hiring process, thereby assuring selected applicants would be appropriate candidates and a good fit for the position.

Mr. Barnes discussed nursing home administrator issues including the issue of precepting for nursing home administrators. Mr. Barnes asked why someone would want to be an MFI, given all of the traveling and no incentivization of work/life balance. Mr. Lindsay spoke on the reasons why someone would want to become an MFI and spoke on VDH's regionalization of MFI teams. Mr. Jenkins stated that overnight travel should decrease as VDH increases the number of MFI staff. Mr. Cook suggested that complainants ask the LTC Ombudsman if a facility resolved their complaint. Secretary Kelly stated that this could speed up the process.

Ms. Hubbard asked if the LTC Ombudsman could bring issues to the attention of the residents. Ms. Latimer stated that LTC Ombudsmen can create a safe space for a resident to bring about complaints

and is a resident-focused program that advocates for the rights, safety, health, and welfare of residents in long-term care. Complaints may be filed by resident representatives or guardians.

Ms. Hubbard suggested that there should be more education about the LTC Ombudsman and their role in advocacy. Ms. Latimer stated that LTC Ombudsmen would very much like this to occur. Ms. Latimer and Ms. Hubbard discussed the challenge of LTC Ombudsmen not always being available to residents.

Chief Baynard asked about nursing home administrators, rapid turnover, and whether they have knowledge about unnecessary transport, transport trauma, and unnecessary medical expenses and the impact this had upon residents.

### **Public Comment Period**

Dr. Shelton opened the floor for public comment and informed anyone participating virtually to submit comments or suggestions to [nursinghomeoversight@governor.virginia.gov](mailto:nursinghomeoversight@governor.virginia.gov).

Mr. Michael Roper identified himself as the director of nursing at a Virginia long-term care facility. He stated that from his perspective, that surveyors are aggressive and seek punitive measures. Mr. Roper stated that it takes a long time for him to deal with the survey process, and it is very stressful. It was not

### **Advisory Board Adjourns and Next Steps**

Deputy Mills thanked the Advisory Board members for their time and active participation and stated that the Office of the Secretary of Health and Human Resources will follow up with the Advisory Board members on next steps, as well as notifying members as to the location and time of the next meeting.

Secretary Kelly thanked the Advisory Board members for their service. She then adjourned the meeting at 4:00 p.m.