National Center for Assisted Living

June 12, 2008

Mr. Randy Lindner
National Association of Long Term Care Administrator Boards
1444 I Street, NW
Suite 700
Washington, DC 20005—2210

Dear Randy,

Thank you for the opportunity for the National Center for Assisted Living (NCAL) to comment on the proposed model practice act for the licensure of residential care and/or assisted living administrators. While NCAL believes in effective leadership and qualified staff at all levels operating in the assisted living/residential care setting, we neither believe in nor can we support the need for an overarching nationwide model that directs states to license administrators in this setting.

The draft model practice act that the National Association of Long Term Care Administrator Boards (NAB) created was distributed to NCAL's voluntary leadership and state affiliates for review and feedback. The most widely found comments from these two groups was the concern of loss of identity at the state level with the states' individual regulations and governing boards and the failure to recognize existing state training and certification programs.

The development of this practice act clearly took much time and effort. However, it is not clear from the materials who was on the development team and how their corresponding expertise in assisted living qualified them to develop the practice act and corresponding licensure requirements. We also question the lack of research demonstrating the need for this licensure category. Without such information, this proposal appears to be more of a business opportunity for NAB than an effort to improve assisted living through administrator licensure.

Another area of concern is the amount of control the state NAB Boards would hold under this model act. As drafted, NAB would act as a secondary enforcement agency for assisted living providers, often having more control than provided to state agencies under current law. In addition, assisted living communities would face double jeopardy on a host of requirements that both the state NAB Boards and state regulating agencies would be

responsible for enforcing. The proposal also gives the Board wide latitude in defining new terms of operation that would normally only be defined by the state oversight agency. NCAL firmly believes such authority should remain only with the state government agency with responsibility to oversee assisted living facility licensure.

NCAL also received feedback about the grandfathering section and the exemption of certain persons or activities. As it reads, Section 702 allows for no person currently employed as an administrator to be exempt from the licensing exam, no matter their length of experience or educational background. Further, in Section 105, the proposed act cites certain persons as exempt. For example, an individual in the armed services may be exempt from this act but someone outside of the armed services with many years of experience would not be grandfathered as written in Section 702. This type of language promotes disharmony amongst the workforce and diminishes NAB's efforts in the assisted living field. Beyond this, we are at a loss why someone with military experience would be exempt from some requirements when an individual with a degree in health care or assisted living administration would not be exempt.

The creation of this proposed model practice act leads us to believe that NAB is ultimately looking for a national licensure category for assisted living administrators. NCAL firmly believes in the current state regulatory model for assisted living and this model act fundamentally conflicts with that policy perspective. States vary widely in how they structure their long term care programs (including assisted living) and we believe these variations have produced highly innovative approaches to serving elders and individuals with disabilities.

Finally, we believe that most providers are seeking only the finest directors to manage these communities that they have invested millions of dollars to build and operate to serve the needs of the elderly and disabled. This success of assisted living is supported by high resident and family satisfaction levels.

It is our hope that NAB seriously considers NCAL's comments and the need for this model practice act. Again, NCAL is appreciative of the opportunity to submit comments. Let me reiterate, NCAL believes in effective leadership and qualified staff at all levels and is working toward that goal in many of the resources and programs we provide to our membership on the national level and through our state affiliates. Our disagreement with NAB's model practice does not diminish in any way NCAL's commitment to developing qualified leaders in the assisted living profession and we look forward to working with NAB on other projects in the future.

Please do not hesitate to contact me if you have any questions about our feedback or position on the model practice act.

Sincerely,

David Kyllo
Executive Director