

**Health Systems Agency of Northern Virginia
Board of Directors Meeting
June 12, 2023**

Members Present

Ana Alvarez
Michael Carrasco
Tom Fonseca, Chairperson
Bridget Jennison, RN
Pamela Kincheloe, RN
Sally Patterson
Anitha Raj
Andrew Wankum
Terry West

Staff Present

Ann McFeeley
Dean Montgomery

Guests (Partial List)

Several online (Zoom audio) attendees.

I. Call to Order

Tom Fonseca, Chairperson, Health Systems Agency of Northern Virginia (HSANV), called the meeting to order at 7:35 PM. He welcomed those present and reviewed the agenda.

Those participating online introduced themselves.

II. Previous Minutes

Minutes of the April 17, 2023, meeting was approved.

III. Nursing Home Development: Recent COPN Projects, Decisions, Policy Clarification

Dean Montgomery called attention to the Virginia Commissioner of Health case decision statements on the five certificate of public need (COPN) applications filed recently in northern Virginia seeking authorization to expand nursing home capacity. He summarized the results of the HSANV Executive Committee review of these decisions and its recommendations as to how HSANV should evaluate similar proposals going forward (Attachment 2).

After examination of each of the Executive Committee findings and conclusions, the Board voted eight in favor and one present (Wankum) to adopt them for use as guidance in consultation with COPN applicants

and the board's review and assessment of nursing home COPN capital expenditure proposals.

The guidance adopted states that, as a rule, HSANV will:

- Oppose bed transfers to northern Virginia, from elsewhere in Virginia, unless it can be shown reliably and concretely that there is a genuine need for additional capacity in PD 8.
- Continue to highlight the inaccuracy and unreliability of the nursing home bed need planning methodology as currently interpreted and applied in inter planning district nursing home bed transfers.
- Continue to identify the actual owners of COPN projects and disclose their nursing care operating history, if any.
- Request, and assess, full disclosure of forbearance agreements associated with proposed transfers of licensed bed capacity from one nursing care facility to another. Consider the failure to disclose the economic details of capital cost increasing forbearance agreements as contrary to the public interest and a factor in formulation recommendations to the Commissioner of Health.
- Note that "transfers" of licensed bed capacity is a paper transaction that does not have positive economic implications and may be used to characterize an unnecessarily costly project in a more favorable light.
- Note that "transfers" of licensed bed capacity that entail a forbearance agreement with a capital expense raise capital and operating costs unnecessarily.
- Seek changes in the Virginia nursing home request for applications (RFA) planning process to make it a reliable and useful means of projecting regional nursing home bed need.

IV. Nominating Committee Report

Members received the Nominating Committee report, which included a slate of candidates for FY 2023-2024 HSANV offices and Executive Committee positions (Attachment 2). There were no nominations from the floor. Nominations were closed. The Nominating Committee slate was elected by acclamation.

V. Other Business

The next meeting of the HSANV board was set for Monday, July 10, 2023.

VI. Adjourn

Fonseca adjourned the meeting at 9:30 PM.

Respectfully submitted,



Dean Montgomery

Attachments (2)

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Attachment 1

June 6, 2023

TO: HSNV Board

FROM: HSNV Executive Committee

SUBJECT: HSNV Nursing Home Development Policy and Practice, Clarification

The Executive Committee met twice earlier this year to consider questions raised during the reviews of recent COPN proposals to transfer nursing home beds to northern Virginia from other Virginia planning regions (inter planning district transfers) and from one facility to another within the planning region (intra planning district transfers).

In recent years, the agency has reviewed five COPN applications proposing to “transfer” licensed nursing home beds from one facility to another. Three of the applications called for the relocation of beds from southwest Virginia (PD 5 and PD 2) to northern Virginia (PD 8). Two called for the relocation of beds from one northern Virginia nursing home to another local (PD 8) facility. HSNV recommended denial of all three inter-planning district projects, and approval of one of the intra-planning direct projects (Hermitage to Woodbine) and denial of the other (The Fountains to Burke). Four of the applications, the three inter planning district transfers and the Woodbine project, have been approved by the Commissioner of Health. The Burke proposal was just denied. Copies of the case decision memoranda for these projects are attached.¹

These applications raise complex planning and regulatory issues. By most public need assessment metrics none of the projects was warranted, yet virtually all are routinely approved. The agency needs to understand as fully as possible the nature and value of the prescribed planning methods used to assess public need, as well as the environment and atmosphere in which these proposals are generated and evaluated.

Based on its assessment of the projects and examination of the local and state level reviews of them, the Committee suggests that HSNV:

¹The Leesburg, Leewood, Cherrydale, and Woodbine case decisions were distributed to members as they were issued. This is the first distribution of the Burke decision. All are enclosed here for convenience.

- Oppose bed transfers to northern Virginia, from elsewhere in Virginia, unless it can be shown reliably and concretely that there is a genuine need for additional capacity in PD 8.
- Continue to highlight the inaccuracy and unreliability of the nursing home bed need planning methodology as currently interpreted and applied in inter planning district nursing home bed transfers.
- Continue to identify the actual owners of COPN projects and disclose their nursing care operating history, if any.
- Request, and assess, full disclosure of forbearance agreements associated with proposed transfers of licensed bed capacity from one nursing care facility to another. Consider the failure to disclose the economic details of capital cost increasing forbearance agreements as contrary to the public interest and a factor in formulation recommendations to the Commissioner of Health.
- Note that “transfers” of licensed bed capacity is a paper transaction that does not have positive economic implications, and may be used to characterize an unnecessarily costly project in a more favorable light.
- Note that “transfers” of licensed bed capacity that entail a forbearance agreement with a capital expense raise capital and operating costs unnecessarily.
- Seek changes in the Virginia nursing home request for applications (RFA) planning process to make it a reliable and useful means of projecting regional nursing home bed need.

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Attachment 2

June 12, 2023

TO: HSA NV Board

**FROM: HSA NV Nominating Committee
(Sally Patterson, Andrew Wankum, Michael Carrasco)**

5SUBJECT: Candidate Slate, FY 2024 (7/1/2023 - 6/30/2024)

The Nominating Committee has reviewed the responses to the committee's request for nominations for FY 2023-2024 HSA NV offices and executive committee positions. Based on these expressions of interest, nominations, and on the need to have regional balance and a reasonable consumer/provider distribution on the executive committee, we developed the following tentative slate of candidates for FY 2024 offices and executive committee positions.

**HSA NV Officers
Executive Committee Members
Proposed Candidate Slate
FY 2024**

Member	Position
Pamela Kincheloe (Manassas, P)	Chairperson
Thomas Fonseca (Arlington, C)	First Vice-Chairperson
Anitha Raj (Fairfax County, C)	Second Vice-Chairperson
Michael Carrasco (City of Alexandria, C)	Secretary
Terry West (City of Alexandria, C)	Treasurer
Douglas Samuelson (Fairfax County, C)	Executive Committee
Maria Zlotnick (Fairfax County, C)	Executive Committee
John Whyte, MD (Fairfax County, P)	Executive Committee
Michelle Kimmel (Fairfax County, C)	Executive Committee
Sally Patterson (Fairfax County, C)	Past Chairperson