

OHIO HEALTH CARE ASSOCIATION ASSISTED LIVING BOARD

**August 19, 2024, 3:00 p.m.
Zoom Meeting**

M I N U T E S

Chair Amy Francis called the meeting to order. The grid at the end of these minutes shows attendance.

The Chair made note of the OHCA Antitrust Compliance, Conflict of Interest, and Confidentiality Policies in the online folder.

Motion: To approve the minutes of the previous meeting.
Seconded; motion carried.

Mandy Smith encouraged board members to register for the AL Summit on September 10. She listed the sessions at the event. Chair Francis said Kathy Chapman sent an email blast to people who signed up for the rules program. She urged board members to promote attendance so we could keep having the summit in the future. Ms. Smith added that Ms. Chapman also sent the message to people who attended AL sessions at convention.

The deadline for nominations for the Excellence Awards was September 6. Ms. Smith encouraged all board members to submit nominations and to send it around to other facilities. A better write-up would give the nominee a better chance. We were planning to celebrate the awards at the winners' facilities. The Chair and Danielle Russo expressed support for that approach and suggested including board members if the celebration was local.

Erin Hart reported on Assisted Living Waiver critical access rate implementation. There were some problems with MyCare plans loading the rates, specifically CareSource and Buckeye. CareSource had a slight delay in updating service plans, but they were almost ready as of the date of the board meeting. July claims would be denied if the provider billed them without making sure the service plans were updated. Buckeye was unknown, as they only said they were working on it. Unfortunately, Buckeye took 6 months to implement the memory care rates. UHC and Molina had a couple issues, but they were easily resolved.

Pete Van Runkle said the coalition of organizations representing assisted living in Ohio had been working on a consensus proposal for the 2025 state budget that would create a mechanism for adjusting rates annually in the future, as the board previously requested. He explained the latest draft to the board. Because the Administration did not want rates themselves in statute, we proposed to create a statutory mechanism for ODA to adjust the rates by rule using data on cost growth gathered from waiver providers. The cost survey would be as simple as possible and

would go to a sample of providers. The department would conduct the survey and analyze the data to determine the cost growth to apply to the rates. The same growth rate would apply to all three ALW rates. Because of the implementation time needed, the earliest the rate increases could take effect would be July 1, 2026.

Ms. Hart discussed our proposed SilverSkills program. It would reimburse providers of senior services for the cost of direct-care workers obtaining various credentials. The reimbursement would be up to \$2,500 per credential. This program would be different from TechCred in that it would include provider-led training. We were finalizing the proposal to go to Director McElroy. There would be 6 funding cycles of up to \$45,000 per provider per cycle, which was the same as TechCred. Reimbursement for outside credentials would be at cost. A review committee would approve new credentials as well as market rates for provider-led training.

Ms. Smith said she received the R-tag crosswalk updated for the RCF rule changes from ODH, but there were 5 discrepancies. She sent ODH suggestions for correction, but we could not finalize our RCF manual until they responded. We were holding rules courses in Warren and Columbus in the weeks after the board meeting. If a person just wanted to know about the changes, they could view our free, recorded webinar instead of attending the full seminar. The updated manual also would be available to members for free.

Mr. Van Runkle reviewed provisions of SB 144 that were relevant to assisted living and when they would be implemented. Most items would apply as of the effective date of the bill, October 23, 2024. Some things would require administrative agency action, most notably revision of the medication aide training curriculum and requirements. OBN would have to write rules reflecting the smaller number of hours and the expanded scope of practice for medication aides. It was possible those rules would not be completed before October 23. The scope of practice itself, however, would be self-effectuating. Providers needed to document that already-certified medication aides were competent to administer the additional medications. SB 144's changes to nurse aide training were mostly self-effectuating, except for the requirement for ODH to approve educational institutions offering training that also wanted to administer the exam. The provision in SB 144 enlarging the conditional hiring period while waiting for a background check from 30 to 60 days was self-effectuating.

ODA planned to include assisted living in a new version of the Nursing Home Quality Navigator. They had not announced a date for it, but were pursuing two projects at the time of the board meeting to help develop the assisted living component of the Navigator. One project was the forums that ODA was holding around the state. They had held three of them before the board meeting, and there would be three more afterward, ending September 5. The forums included some opportunity for public comment on assisted living generally, but they mainly involved small-table discussions on various aspects of the Navigator. We were concerned about a proposed questionnaire to determine whether a person needed an assisted living or a SNF. We felt it was inappropriate and should be replaced by neutral information on the differences and similarities between the two settings. Ms. Russo said she planned to attend the Youngstown forum and that the ombudsman was distributing flyers advertising it.

The second method the state was using to gather information for the Navigator was the survey that they sent to all SNFs and RCFs. They extended the survey deadline to the Friday before the board meeting, but as of the last report, only around half of the assisted living communities in the state had completed it. A problem with the survey, which also surfaced in the forums, was that the information requested was much more relevant to SNFs than assisted living. Chair Francis said the survey also was not user-friendly because you couldn't save your work. She tried to fill out three at the same time and didn't have all the necessary information available. Charlotte Kister said she received a call from Aging about the survey link.

Ms. Hart said we were working on a list of considerations for members to use in updating their policies now that legal recreational marijuana was available. Assisted living was the most gray area of all our member categories. Policies were needed for residents, staff, and visitors. We reached out to NCAL state affiliates in other states that both had legal recreational marijuana and a large number of assisted living communities. Those affiliates did not differentiate between waiver and non-waiver communities. None reported any citations relating to resident use of marijuana except one for a person who was not care-planned as a smoker and a few for unsafe smoking. We had repeatedly asked ODH about their position on resident use, but they wouldn't touch the issue. We couldn't make a blanket statement about what could be done, especially in a private-pay assisted living. The Colorado person said you can't keep them from doing it, so focus on safety. We were planning to have separate considerations documents for each member type. Ms. Kister asked about employee use of marijuana and positive tests. Ms. Hart added that the DEA was considering rescheduling marijuana to a Schedule III drug.

With no other business, the meeting was adjourned.

Attendance:

First Name	Last Name	8/19/24
Brent	Classen	P
Amy	Francis	P
Charlotte	Kister	P
Jody	Linton	
Matt	Pool	P
Danielle	Russo	P
Gwynn	Ryder	P
Julie	Simpkins	P
Erin	Hart	P
Mandy	Smith	P
Pete	Van Runkle	P