

# **OHIO HEALTH CARE ASSOCIATION BOARD OF DIRECTORS**

**March 20, 2025, 10:00 a.m.  
Quest Conference Center, Westerville**

## **M I N U T E S**

President Shane Craycraft called the meeting to order. The table at the end of these minutes shows attendance.

The President asked board members to avail themselves of the OHCA Antitrust Compliance, Conflict of Interest, and Confidentiality Policies linked to the agenda and to identify any conflicts.

### **CONSENT AGENDA**

Without objection, the board approved the consent agenda, which consisted of the minutes of the Board of Directors, Home Care and Hospice Board, Regulatory Committee, Workforce Committee, and Dining and Nutritional Services Committee.

### **FINANCIAL STATEMENTS**

Pete Van Runkle reviewed the financial statements for February. We had \$14.3 million in net assets at the end of the month, including \$1.9 million in the board-designated advocacy fund. Revenue and expense for the month were both very close to the budgeted level. Income from operations was slightly ahead. Our investments lost value in February. Linda Black-Kurek asked about advocacy spending. The financial statements and check registers were filed for audit.

### **MEMBERSHIP**

Diane Dietz listed new applicants for active membership as well as potential active member reinstatements and terminations for the board's action.

Motion: To approve CareCore at Minster, Better Together Home Health, and Dignity Care Hospice as active members, to reinstate the active memberships of the Legacy and Bickford properties, and to terminate the active membership of Concord Care Center of Cortland.  
Seconded; motion carried.

Ms. Dietz noted the associate membership actions listed on the report.

Motion: To approve Bricker Graydon, Encore Wound Care, etectRX, Diamond Pharmacy, Envision Healthcare, Never Alone, Old National Bank, Pathway Health Services, SchedulePop, OpSec Consulting, Progressive Medical Concepts, and WellSky as associate members and to terminate the associate memberships of AccuTemp Products and Reliant Rehabilitation.  
Seconded; motion carried.

Mr. Van Runkle explained that Eliav Sharvit was no longer with Legacy or any other member organization. As a result, he no longer qualified to be on the board. Jim Taylor, Legacy's CEO, was interested in stepping into the position and met the qualifications. President Craycraft nominated Mr. Taylor. Chris Chirumbolo asked when he would be up for election.

Motion: To appoint Jim Taylor to the vacant position on the board.  
Seconded.

Mr. Chirumbolo asked if anyone else had applied. Robin Hillier asked if it was a district seat.

On the vote, the motion carried.

Kathy Chapman reminded everyone to register for convention. The early bird deadline was the week after the board meeting. After that date, a balance would be due on registration. However, name changes were free. Vendors were signing up for booths. The agenda linked to a list of events at convention for board members to attend. Ms. Chapman highlighted the annual meeting and board meeting.

Erin Hart said our docuseries would premiere at 7:30 p.m. on May 7. We would bus people to the Southern Theater. We had a sponsor for refreshments and were inviting agency directors and others. Ms. Chapman reminded the board of the Wednesday afternoon reception with the champion partners and sponsors. They would appreciate board members stopping by. The President encouraged board members to attend the premiere, commenting that it was a solid piece of advocacy for which he had high expectations.

Mr. Van Runkle referred to a list of board seats that would be up for election by the membership at convention, along with incumbents in each seat. He asked incumbents interested in running for reelection to notify him. Jerry Schroer asked about the process for removing a board member.

## **STATE BUDGET**

Debbie Jenkins reported that we were in the midst of the budget process and attending a lot of hearings and meetings. Two amendments submitted by House members of our behalf for the House substitute budget were linked to the agenda, along with our written testimony to the Finance Committee. The amendments did not address quality because no decision had been rendered in our mandamus case. It probably would come out before the budget process ended, but we were holding steady at the time of the board meeting. The President added that quality

was still on our agenda. Ms. Jenkins said we explained in legislative meetings that after the decision, we would bring forward things to discuss.

The first amendment addressed PDPM, private rooms, and capital. On PDPM, we were proposing to use a blend of components instead of nursing only, which the state proposed. Our amendment also would change the phase-in from the state's approach to a hold harmless with a small stop gain. The timeline would be the same.

The associations were not in complete agreement on the PDPM proposal. Mr. Chirumbolo asked about points of disagreement. Bill Weisberg said he couldn't convince the Academy to adopt the blended model. Their members had been preparing for nursing only and would gain from it. Ms. Black-Kurek asked if adding speech and non-therapy ancillaries would help them. Mr. Weisberg said no.

Mr. Chirumbolo said the Speaker asked what other states were doing and also questioned the stop gain. President Craycraft said Ms. Black-Kurek responded that providers were already losing a lot of money on Medicaid. Mr. Van Runkle said we would be ready to adjust our proposal if necessary. The President explained the importance of the blend, focusing on big swings in rates. Ms. Jenkins said our amendment also addressed recalculating the prices.

Robin Hillier said PDPM wasn't designed for Medicaid, so any attempt to use it for Medicaid was bad policy. We ultimately needed a different system or add-ons for behaviors and other things. The President said this budget would not be the end of the discussion.

Scott Unverferth suggested giving members data on how the new system would affect them. Ms. Jenkins said the data we had were from one point in time and would differ from the actual results. Ms. Hillier said we could give members information to determine the impact themselves. Ms. Jenkins emphasized that assessments beginning April 1 would be used to calculate PDPM scores. President Craycraft suggested creating a narrative and a template spreadsheet for members to calculate impact.

Ms. Hillier said it was hard to find residents for whom the blended case mix was better than nursing only. Mr. Van Runkle said across the universe of providers, it resulted in a smaller spread of rates. Ms. Black-Kurek asked about a section of the MDS that she felt had too many items. President Craycraft said even if one building had no cases affected by the blended methodology, they were out there.

He explained the three phase-in methodologies: the state's; ours; and the Academy's. Mr. Weisberg agreed with the Academy's and said there was a difference of opinion about whether there would be new money in the budget. Mr. Chirumbolo described how Kentucky handled the transition.

Relative to private rooms, Ms. Jenkins said our amendment would take off the cap. We didn't know what Medicaid utilization would be, so we didn't know if there would be a cost. The

amendment allowed an opportunity for more private rooms. Legislators seemed to be open to our proposal, but asked about cost and how many more private rooms would be added. We responded that the slow growth after the initial approvals was likely to continue. Mr. Chirumbolo suggested a public repository of private rooms. Mr. Weisberg felt Medicaid utilization would be greater than 60%, but the cost could be absorbed by overall Medicaid underspending.

Ms. Jenkins discussed the third part of our amendment, which dealt with capital. It would allow the coming biennium to set up a new fair rental value system. ODM didn't come forward with FRV when they were supposed to do it in 2023, so the amendment would require FRV by July 1, 2027. The amendment also included the Academy's suggestion for a workgroup on other environmental factors. Ms. Black-Kurek asked about the PA1 rate. Mr. Chirumbolo asked if the private room add-on would be absorbed into FRV. Ms. Jenkins added that the legislature could review the system in the next budget. Mr. Chirumbolo asked if providers would be stuck at the same rate after implementation. Mr. Weisberg commended the Virginia FRV system.

Mr. Jenkins turned to the REIT issue. The administration proposed to ban new leases from REITs. We had a lot of conversations with legislators and others about this issue and raised concerns with the provision. We had an amendment submitted to remove the language.

As for the budget process, we had provided testimony in committees, and our amendments were submitted by multiple legislators. Speaker Huffman was quoted as saying the House would have an intensive, 5-day review process beginning the day of the board meeting. The substitute bill was scheduled for April 1, the omnibus amendment April 8, and the floor vote April 9. The House wanted to get the bill out before spring break.

Senate Finance would start on April 1 with agency directors. After the break, the Senate would hold 3 weeks of hearings in other committees, with more Finance hearings after the sub bill came out. The Senate was aiming for a floor vote on June 12, followed by conference committee. Mr. Wesiberg said some people thought the Senate would rubberstamp the House bill.

Todd Bergdoll said the two chambers were communicating. He felt good about the amount of time the Speaker gave us to discuss PDPM. He felt Chair Stewart was supportive on the REIT issue. We still hadn't heard from Health on it. Mr. Weisberg said the Governor was concerned about CHOPs occurring every two years. AHCA/NCAL wouldn't define private equity. The OHCA board should address constant flipping of buildings. Dan D'Amico said out-of-state providers were draining buildings and then flipping them, while in-state providers couldn't get the quality incentive. The President said REITs weren't the issue. Ms. Black-Kurek thought eliminating the REIT language tied in with FRV.

Mr. Bergdoll said concern about REITs not being able to remove a bad operator played well with legislators. He discussed a meeting with the lake to river caucus. They were supportive of our amendments and spoke about the triage session the weekend after the board meeting. It appeared that a larger group would be involved than Mr. Bergdoll originally thought. Nonetheless, he felt the bulk of the budget already was drafted.

## **RECOUPMENTS**

Erin Hart reported that ODM was implementing recoupments for claims paid in 2023 and after. They sent an email to providers saying they would receive overpayment reports to review. Then two days later, recoupments appeared on remittance advice reports without any notice. We contacted ODM as a 911 and got the recoupments reversed, but most providers could not balance the recoupments and reversals. Some providers received recoupments anyway. One of the RAs went to the clearinghouse and two others were in PNM. We notified ODM of our concerns about the process, including that most providers didn't receive the original email and the recoupments needed to be staggered, not all at once.

Another problem related to retroactive eligibility changes in PNM, particularly reassignment to different managed care plans. At the time of the board meeting, ODM had not responded to our outreach on these issues. Ms. Hart also expressed concern about ODM recouping entire claims and not repaying them correctly. Mr. D'Amico said providers already did not get paid because of slow eligibility processing and Act 52s, and the recoupments were on top of that.

The President said he received a lot of calls asking about our recourse if the recoupment problem recurred. He spoke with Aric Martin about it. What we could achieve in the legal arena was very limited - we could not sue people into competence. Ms. Jenkins observed that our experience with the mandamus case was just the opposite. President Craycraft thought the answer was to keep pressing on each individual issue. We couldn't just ask Medicaid to stop because it might stop a fix. The whole world knew what ODM was doing, but this issue could have affected payroll.

Ms. Black-Kurek suggested going to the legislators and the Governor's Office. Jerry Schroer suggested JMOC. He noted that ODH was reaching out to vendors who had not been paid and citing providers. Not paying providers would lead to those consequences. Ms. Hillier added that people in facilities would be at risk and supported going to JMOC and the Governor's Office. The board discussed the recoupment issue further. Ms. Hart said the numbers were wrong on a big takeback ODM did earlier. Mr. D'Amico said there should be agreement on the number before anything is taken back. Mike Scharfenberger asked if anyone had received the reconciliation document. The President said we would shine a light on what was going on.

## **FEDERAL BUDGET**

Mr. Van Runkle said the House and the Senate passed different budget resolutions. They had to reach agreement on a resolution before the reconciliation process could begin. The House and Senate were negotiating at the time of the board meeting. The House resolution included extension of the 2017 tax cuts, which would cost \$4.5 trillion over 10 years. It also included instructions for up to \$2 trillion in spending reductions, \$880 billion of which would come from the Energy and Commerce Committee, which had jurisdiction over Medicaid. The Senate resolution had neither of those things, but the Senate agreed to use the House resolution as the starting point because the President supported the House resolution. However, many Senators

were opposed to Medicaid cuts. Myriad groups were lobbying Congress to protect Medicaid. We were visiting the Ohio delegation the week after the board meeting. There were different opinions about when Congress would finish reconciliation. It would be difficult to reach agreement.

The Friday before the board meeting, Congress passed a continuing resolution to keep the federal government funded until September 30. The President signed it the following day. The resolution included extension of the pandemic-era telehealth flexibilities.

## **REGULATORY**

President Craycraft referred board members to the AHCA/NCAL Better Way document linked to the agenda. It had 4 components. AHCA/NCAL would be meeting with David Wright at the Quality Summit. They had a formalized plan that was more aggressive than in the past. Mr. Van Runkle said Dr. Oz had not been confirmed as CMS Administrator, so AHCA/NCAL was holding back on most of their proposals. They addressed time-sensitive items with the people who were already at CMS and achieved another delay of the survey guidance and no further action on the expanded CMPs. They also were trying to get more time for the off-cycle revalidation. Ms. Black-Kurek said it already had been postponed to May 1.

## **OTHER BUSINESS**

Mr. Scharfenberger expressed concern that LSC surveyors were calling for significant electrical changes for vents. Ms. Black-Kurek and the President confirmed that those requirements were in place. The President referred Mr. Scharfenberger to Kenn Daily or Joe Cilone.

Motion: To go into executive session.  
Seconded; motion carried.

The board went into executive session.

Motion: To come out of executive session.  
Seconded; motion carried.

The board came out of executive session, and the meeting was adjourned.

Attendance:

First	Last	Status	5/15	6/18	7/18	8/15	9/25	10/15	11/19	12/19	1/27	2/20	3/20
Shane	Craycraft	P-ATL	P	P	P	P	P	P	P	P	P	P	P
Michael	Scharfenberger	1	P	P	P	P		P	P	P	P	P	P
Kenn	Daily	2	P	P		P		P	P		P	P	
Scott	Unverferth	3	P	P	P	P	P	P	P	P	P	P	P
Eliav	Sharvit	4	P				P	P			P		
Jill	Herron	5	P	P		P	P	P	P	P	P	P	P
Bill	Levering	6	P	P	P	P	P	P			P	P	
Ronnie	Wilheim	7	P		P	P		P				P	
Bill	Weisberg	8		P		P		P		P		P	P
Scott	Sprenger	IPP-9	P	P	P	P	P	P	P	P	P	P	
Janet	Harris	10	P		P	P	P	P		P	P	P	
Dan	D'Amico	11	P	P	P	P		P	P	P	P	P	P
Nicole	Sprenger	12	P	P		P		P		P		P	
Michael	Coury	13	P	P	P			P	P	P	P		P
Robin	Hillier	14	P	P	P	P	P	P		P	P	P	P
Shane	Stewart	15	P	P		P	P		P	P		P	
Linda	Black-Kurek	ATL	P	P	P	P		P		P		P	P
Chris	Chirumbolo	ATL	P	P	P	P	P	P	P	P	P	P	P
Joe	Cilone	ATL	P	P		P	P	P	P	P	P	P	
Chase	Kohn	ATL	P	P	P	P			P	P	P	P	
Diane	Liliestedt	ATL										P	
Greg	Miller	ATL	P	P	P	P	P	P	P	P		P	
Jerry	Schroer	ATL	P	P	P	P		P	P	P	P		P
Amy	Francis	AL	P			P							
Danielle	Russo	AL	P										
Gen	Stelzer	HCH	P	P	P					P		P	P
Joe	Kowalski	ID	P	P									
John	Renner	NP	P		P	P		P	P	P	P	P	
Lisa	Hamilton	2A				P		P				P	
Sarah	Koch	13A	P	P	P			P	P		P	P	P
Brent	Classen	ALB	P	P	P	P	P		P	P	P	P	P
Charlotte	Kister	ALB	P										
Matt	Pool	ALB	P										
Gwynn	Ryder	ALB	P	P		P			P	P	P		
Julie	Simpkins	ALB	P	P									
Tim	Dotson	IDB	P										
Gina	Kerman	IDB	P										
Chelsea	Pozderac	IDB	P			P		P				P	
Becky	Sharp	IDB	P										

Jo	Spargo	IDB											
Bill	Arfaras	HCHB	P	P		P	P						
Bryan	Casey	HCHB				P				P		P	
Laura	Dales	HCHB						P					
Andrea	Henderson	HCHB	P					P		P			
Mark	Knepper	HCHB	P	P				P		P	P		P
Mike	McConnell	HCHB	P										
Kim	Tilley	HCHB	P	P				P		P			
John	Fleischer	Gst	P	P		P		P		P		P	
Heidi	Freas	Gst									P		
Brian	Hennis	Gst								P		P	
David	Hennis	Gst					P	P		P	P	P	P
Beth	Jones	Gst	P										
Denise	Leonard	Gst			P			P		P		P	
Aric	Martin	Gst				P	P	P		P	P	P	
Rosemary	Orlando	Gst	P										
David	Parker	Gst									P		P
Julia	Weisberg	Gst											P
Josh	Anderson	Stf	P	P		P		P		P			
Todd	Bergdoll	Stf	P					P	P	P	P	P	P
Kathy	Chapman	Stf			P	P	P	P		P		P	P
Diane	Dietz	Stf	P	P	P	P	P	P	P	P	P	P	P
Erin	Hart	Stf	P	P	P	P	P	P	P	P	P	P	P
Debbie	Jenkins	Stf	P		P	P	P	P	P	P	P	P	P
Heidi	McCoy	Stf		P	P	P		P			P	P	P
Mandy	Smith	Stf	P	P	P	P		P	P				
Peter	Van Runkle	Stf	P	P	P	P	P	P	P	P	P	P	P

Certified:

\_\_\_\_\_  
Joe Cilone, Secretary/Treasurer

\_\_\_\_\_  
Date