

Meeting summary for ID/DD Member Call (04/24/2024)

Quick recap

Debbie provided updates on the ongoing quarterly survey, new Medicaid rules regarding cost reporting and direct care compensation, as well as anticipated legislation and legal action related to staffing requirements. She discussed Lauren's Law and the Never Alone Act in Ohio, emphasizing the need for clear parameters to ensure proper implementation and prevent misuse.

Next steps

- Debbie will follow up with the Department of Medicaid regarding the status of the annual adjudication audits and inform the team once communication is received.
- Pete will participate in the interested party meeting with the Ohio Legislature's Committee on Aging and Long-Term Care to advocate for the narrowest possible implementation of Lauren's Law, ensuring it does not inadvertently expand waiver use beyond its intended scope.

Summary

Dd Member Call Updates Discussed

Debbie discussed several important updates during the Dd member call. She reminded attendees about the ongoing quarterly survey aimed at understanding the impact of the budget increase on the staffing crisis. The survey, which was linked in the chat, needs to be completed by May 15th. She also shared information about a recent update from Dodd regarding the ability of family members to administer meds without certification, provided they meet certain requirements. Lastly, she emphasized the importance of notifying the Department of Medicaid about any organizational owners who pass away, as failure to do so could lead to termination of the provider agreement and loss of billing capabilities.

Medicaid Access Rule Impact on Dd Services

Debbie discussed the recently finalized Medicaid access rule, which she noted as having a significant impact on Dd services. She highlighted that the rule requires 80% of Medicaid payments for home and community-based services to go towards direct care compensation. However, she pointed out that services for people with intellectual and developmental disabilities, categorized as habilitation services, were kept excluded. Debbie also noted that the rule allows for prorating of wages and compensation based on the time spent in different categories of work, which could potentially require additional reporting from providers.

New Ohio Waiver Cost Reporting Requirements

Debbie discussed the new cost reporting requirements for waiver services in Ohio, specifically focusing on the ability to exclude certain costs from the Medicaid payment calculation. These excluded costs included training, employee travel, and PPE costs. The state would need to ensure that 80% of the Medicaid payment excluding these costs is allocated to direct care compensation. Debbie also mentioned the possibility for states to implement a hardship waiver if they could not spread administrative costs over a large number of individuals or staff. States would have six years to comply with these rules, with the option for extensions and hardship exemptions. Debbie also highlighted that this rule contains various provisions and emphasized the possibility for changes to be made before the rule becomes effective.

New Rules and Medicaid Impact Discussion

pete and Debbie discussed the implementation of several new rules over the next six years. pete expressed the likelihood that additional services may be added to the 80-20 requirement within this timeframe, given the current administration's continuation. Debbie raised concerns about the potential impact of the Department of Medicaid and the need for continued monitoring at the state level. Additionally, Debbie highlighted a new rule published by the Center for Medicare and Medicaid Services (CMS) concerning skill nursing minimum staffing. This rule requires states to report information on the percentage of Medicaid payments spent on direct care workers and support staff, with data collection starting in four years. The team acknowledged the need to align their cost reports with CMS' requirements to ensure accurate data for these calculations.

Skilled Nursing Facilities and Overtime Rule Update

Debbie discussed the anticipation of legislative and legal action regarding a new rule related to staffing in skilled nursing facilities. She also highlighted the recent finalization of the Department of Labor's overtime rule, set to take effect on July 1, 2024. The rule increases the current \$35,000 salary threshold for overtime exemptions to almost \$44,000 by 2024, with automatic annual increases of 3% based on the 35th percentile of the lowest wage in a census region, starting in 2027. Debbie warned that significant increases could lead to litigation, as was previously seen when the government proposed a similar but smaller percentage of an increase.

Federal Rule Changes and Healthcare Impact

Debbie discussed upcoming changes in federal rules and their potential impact on the healthcare industry. She highlighted the anticipated overtime rule, expected to apply to various businesses, and potential legal challenges. She also brought attention to a new non-compete rule from the Federal Trade Commission, which Debbie noted could be particularly problematic for their services-oriented business. Additionally, Debbie mentioned updates to the Pregnant Workers Fairness Act and guidelines for Clear Waiver labs, stressing the importance of compliance to avoid potential fines. Debbie

concluded by acknowledging the overwhelming nature of these changes and promising to monitor and review them further.

Election, Anchor Calls, and Legislation Update

Debbie and Pete discussed the upcoming election and encouraged participation in the anchor calls for insights into their communications with various agencies. They then provided an update on Lauren's Law and the Never Alone Act, two pieces of legislation introduced in the Ohio House. Lauren's Law, which extends camera surveillance in skilled nursing facilities, has received multiple hearings and is likely to be voted out of committee soon. The act also includes problematic language regarding a new waiver and payment for caregivers. Pete indicated that while they couldn't completely oppose the camera piece, they were concerned about the language and the potential negative impact on their clients.

Camera Monitoring System in Nursing Homes

Pete and Debbie discussed the potential implementation of a camera monitoring system in skilled nursing facilities and the issues surrounding this idea. They emphasized that the system would require consent from the individual being filmed and their roommate, or their legal guardian, and introduced the idea of a documentation form for any issues. They also considered the need for additional signage and liability exclusions. However, Debbie pointed out that the current bill and Esther's law did not include providers in the viewing party, and the signage might not be understood by all residents. Pete agreed to consider these suggestions for improvement. They also mentioned an upcoming interested party meeting on this legislation, chaired by Representative Schmidt from Cincinnati.

Discussing Legislation and Provider Protection

Pete discussed two pieces of legislation: the Never Alone Act, a broad-based visitation law promoted by an anti-vaccine group in Ohio, and another bill that would allow patients to sue if they feel they're not being treated properly. Pete mentioned that they were working to exclude all providers except hospitals from the Never Alone Act, as hospitals seemed to be the primary target. Debbie added that the act also included provisions for isolation of patients, causing concern about potential exposure to diseases like Ebola. Pete emphasized the importance of stopping these bills early in the legislative process to protect providers.

Concerns Over Lauren's Law Impact

Carol expressed her concerns about the potential impact of Lauren's law on the workforce and the privacy of staff and residents in group homes, ICFs, and AD sites. She questioned the next steps and possible actions to mitigate these issues. Pete acknowledged these concerns, noting that similar restrictions had been included in Esther's law without significant negative effects. He revealed that further discussions would take place in an interested party meeting, where all stakeholders would have the

opportunity to share their views in private with the committee. He predicted that the committee would likely decide to advance the bill in some form, as indicated by the sponsor and other committee members.

Esther's Law and System Parameters Discussion

pete shared the concern of a proponent of Esther's law, who felt it was not being properly implemented and wanted it to be more open. However, the committee decided not to revise Esther's law in the current process with Lauren's law. Debbie proposed adding providers to the access of recordings to ensure immediate action if necessary. Chelsea's meeting with a potential client who wanted to monitor her mother's camera highlighted the need for clear parameters to prevent misuse of the system. The group agreed on the importance of keeping the system as tight as possible to ensure the best interest of the individuals involved.

Mark Meeting, Waiver Provision, and Medicaid Audits

Debbie discussed the upcoming mark meeting and encouraged everyone to keep updated on the information. A question was raised by pete and Zach about Dodd's stance on the Waiver provision, but no official statement was confirmed. Abdullah inquired about the Department of Medicaid's audits, to which Debbie responded that she had not received any updates and would inform the team as soon as she did. Debbie also mentioned a low communication issue and thanked everyone for their patience.

AI-generated content may be inaccurate or misleading. Always check for accuracy.