

Meeting summary for OHCA Assisted living member call (07/24/2024)

Quick recap

Changes to the assisted living summit and awards were announced, along with updates on Senate Bill 144 and its implications for assisted living providers. The team was also informed about the final rule on non-discrimination in health programs, the importance of addressing language barriers, and the use of a medical translation service. Lastly, updates on legal cases related to federal rules, the new interpretation by the Ohio Department of Health regarding CPR in assisted livings, and the increase in real and present danger citations were discussed.

Next steps

- Mandy will post the impact summary of the non-discrimination final rule and the Voice translation service information in the news bytes for the team.
- Mandy will work with the Ohio Department of Health to finalize and implement the changes regarding CPR requirements for licensed nurses in assisted living facilities.
- Mandy will compile and share the 1st quarter 2024 real and present danger citations with the team once the information is available.

Summary

Assisted Living Summit and Awards Update

Mandy announced changes to the assisted living summit and awards, with the awards now being presented to caregivers at their facilities, and nominations set to open in August. The summit was rescheduled to a one-day conference on September 10th, featuring various panels and speakers, including Erin Hart. Erin discussed the implementation of critical access and the need for organizations to update their service plans accordingly. She emphasized the importance of checking with the Ohio Department of Aging for the approved provider list and urged the team to familiarize themselves with the Provider Enrollment Management System (PEM) for future revalidation processes.

Senate Bill 144 Update and Impact

pete updated the team on Senate Bill 144, which passed both houses of the legislature at the end of last month without any changes. The bill, significant for assisted living providers, is awaiting the Governor's signature and will take effect 90 days later. The legislation expands the scope of practice for medication aids, making it easier to run training programs and increasing the availability of these aids. It also facilitates the

implementation of changes by the Board of Nursing and rebrands Stna's as Cnas. Additionally, the bill addresses concerns about lengthy background checks by the Bci.

Fingerprint Deadline and Non-Discrimination Rule

pete informed the team about the extended 60-day conditional employment period for providers who submit fingerprints in a timely manner, effective from a future date. He also encouraged everyone to reach out with any questions and to stay updated through news bytes and calls. Diane then discussed the final rule on non-discrimination in health programs, which applies to assisted living waiver providers with 15 or more employees. She highlighted the need to comply with several provisions by November 2nd, including the appointment of a coordinator and updating policies and procedures to prevent discrimination.

Addressing Language Barriers With Voice

Diane discussed the importance of addressing language barriers and ensuring effective communication for individuals who may not speak English as their primary language or are deaf. She introduced a service called Voice, a medical translation or interpreter service that can be accessed virtually at no upfront cost. Diane also mentioned a relationship with a group purchasing organization, Insight, which offers discounted pricing for Voice and other products. She encouraged the team to review these resources and reach out with any questions. Debbie was set to present next.

Legal Cases Update: Overtime and Non-Compete Rules

Debbie provided an update on two legal cases related to federal rules: the Department of Labor's overtime rule and the Federal Trade Commission's non-compete ban. She explained that a judge had ruled in favor of the State of Texas in a case challenging the overtime rules, but the ruling was only applicable to Texas employees, not nationwide. The new salary threshold for overtime rules, which had been set to increase on July 1, was still in effect. The judge in the non-compete ban case had also ruled in favor of the plaintiff, but the ruling would only apply to the plaintiff, not others. Debbie advised the team to be aware of who might have a non-compete clause within their organization and to be prepared for potential changes in the rules.

Ohio Department of Health's CPR and Real Danger Interpretations

Mandy discussed the new interpretation by the Ohio Department of Health that CPR is now required in assisted livings when a licensed nurse is present. She clarified that while nurses do not need to be certified in CPR, they must demonstrate competency and undergo training. Mandy also highlighted that the department is still debating whether this requirement should be included in the licensure rules for assisted livings. She further discussed the new interpretation of real and present danger being cited, emphasizing the need for immediate action, and shared the increase in real and present danger citations, particularly in assisted living, for the second half of 2023. She stressed the importance of having direct care staff available at all times and the need to protect

residents from abuse and other dangers. Lastly, she mentioned that she had received the first quarter of 2024 real and present danger citations, which showed a significant increase compared to the previous year.

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