

## Meeting summary for OHCA NF Member Call (05/21/2024)

### Quick recap

The team discussed technical issues affecting survey data collection, communication procedures, and ongoing legal matters, with a focus on the state's public contract and the revised Spa Plan Amendment. They also addressed the importance of compliance with Section 1557 regulations, the potential blackout period before June 30th in the Ohio Medicaid enterprise system, and the ongoing information blackout from the Department of Medicaid regarding reimbursement and rate issues. Lastly, they discussed the challenges and future plans of transitioning from the 'My Care' program to the new one, the potential impact of changes to facility operations, and the upcoming facility assessment.

### Next steps

- Mandy will provide an update on the minimum staffing legislative efforts and prepare for the upcoming Congressional briefing.
- Pete will share the link and passcode for the recent webinar recording on facility assessments.
- Debbie will distribute the OHCA and Cal action brief on complying with Section 1557 non-discrimination regulations.

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### Summary

#### Technical Issues and Survey Updates

pete and Mandy discussed technical difficulties with a survey and the Qc core server crash, which affected data collection. Mandy then led the weekly skilled nursing facility member call, addressing communication procedures and recent survey concerns. Discussions also centered around issues with survey contracts, PVP webinars, and the new contractors for survey work by the Ohio Department of Health. The number of immediate jeopardies for the first quarter of 2024 was reviewed, with plans for a more in-depth analysis next week. Lastly, discussions focused on potential changes to the 5-star rating system and current contracted survey concerns.

#### Public Contract, Incentives, and Legal Matters

Joe, pete, and Debbie discussed the public contract for their state, with a focus on potential incentives and payment methods. They also reviewed ongoing legal matters, including the mandamus action and the state's revision of their Spa Plan Amendment. Lastly, they discussed the approval process for certain applications, emphasizing that while submissions had been approved, the actual applications were still awaiting CMS approval.

### **Addressing Team Queries and Compliance Updates**

pete addressed various queries from the team, including clarifications from Manzi on the team's training status and Trissy's announcement about a forthcoming call with Ohio surveyors. Debbie then discussed the importance of compliance with Section 1557 regulations on non-discrimination in healthcare programs and the proposed rescheduling of marijuana from Schedule 1 to Schedule 3 by the DEA. Lastly, she addressed upcoming changes to the Ohio Medicaid enterprise system and the potential blackout period before June 30th, encouraging everyone to prepare claims for submission in May or early June.

### **Medicaid Reimbursement and 'Never Alone' Legislation**

pete discussed the ongoing information blackout from the Department of Medicaid regarding reimbursement and rate issues, highlighting that despite the department's consideration of how to calculate quality incentive points, they have not yet disclosed their method. He also mentioned that the AI summaries of these calls, posted on the Ohca website, were not always accurate. pete then turned to discuss the 'Never Alone' legislation, a bill that revisits the topic of visitation rules, which has been a contentious issue. Despite efforts to weaken it, the bill's sponsors have remained inflexible, and its future remains uncertain.

### **Transitioning to 'My Care' Program Update**

pete provided an update on the challenges and future plans regarding the transition from the current 'My Care' program to the new one. He mentioned that despite no interactive sessions being scheduled, written comments could be submitted via an email address shared earlier. pete also revealed that they were working on legislative language to address some concerns about the transition, emphasizing the need for 'guardrails' to protect members in the new environment. Additionally, he discussed an upcoming Congressional briefing in Washington DC to advocate for minimum staffing and potentially other issues. Lastly, he highlighted an analysis by the Long Term Care Trend Tracker of the impact of the new minimum staffing rule on facilities.

### **Facility Operations and Minimum Staffing Updates**

pete and Mandy discussed the potential impact of changes to facility operations, with Mandy noting the majority of overdue surveys were from Ohio. pete then updated the team on the response to the minimum staffing issue, mentioning that legislative vehicles to eliminate the minimum staffing rule were gaining support. He also revealed plans for grassroots lobbying to secure support for this legislation. Additionally, pete informed the team that a lawsuit challenging the minimum staffing rule was imminent, with Texas Healthcare Association and several providers set to be plaintiffs.

### **Facility Assessment and Covid Data Update**

pete discussed the upcoming facility assessment and the expected guidance from the government, which is expected to be released within 30 days. This will give the team enough time to review and revise their facility assessments to ensure compliance with the new regulations. pete also addressed Brian's question about the Covid data tracker, advising that it's no longer a reliable source of information and suggesting that the team adjust their policies accordingly. The team was encouraged to monitor their local Health Department and media for any signs of a widespread Covid infection in the community.

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