

OHIO HEALTH CARE ASSOCIATION REGULATORY COMMITTEE

**February 6, 2025, 12:30 p.m.
Zoom Meeting**

M I N U T E S

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

Chair Rapp reminded committee members to review the OHCA Antitrust Compliance, Conflict of Interest, and Confidentiality Policies in the online meeting folder. She asked members to refer to the policies if they felt they had a conflict.

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

The Chair pointed out the agenda for the meeting in the folder. She asked if any committee members had recent survey experiences to share. Amanda Brock discussed a recent annual they had that was three years out from the previous one. Multiple team members said they would find something because it had been so long. She resolved it by talking to the team lead. The surveyors complained that they were booked for annuals out to September, when they usually did complaints. The facility was new and didn't have QMs for 3 years.

Bonnie Hall said they had an annual that began at 7:00 a.m. on Monday and exited Thursday. The building was 29 months out since the last annual. A complaint was included, as well as one called in during the survey. They were unsubstantiated. There were 5 surveyors. The team lead was fairly new. They had difficulty with an aggressive RD surveyor, but they got her to back off through a conversation with the trainer of the team lead. The surveyors were nitpicky and complained about their schedule, but afterward said the survey went well.

The Chair asked about focus areas. Ms. Hall mentioned resident funds accounts and infection control. They wanted a resident with C-diff in isolation because of loose stools. Cassie Skul asked if they focused on psychotropic drugs. Ms. Hall said no. Ms. Brock said they had electronic dose reduction, but the surveyor wanted a wet signature. She thought the surveyor was backing off though.

Cindy Johnson said they had two annuals the week before the committee meeting. Both were around 30 months out. In one case, 8 surveyors (3 trainees) spent the entire week there. The facility got 5-6 D-level deficiencies. In the other case, different surveyors were on the team each

day, which caused confusion when one surveyor took over work on a tag that another had begun. The building ended up with 13 tags on exit.

Tammy Cassidy said she had seen a focus on antipsychotic use for hospice patients. The surveyors wanted to see a root cause analysis of the patient's issue and that the facility tried different drugs. She heard from 3 different buildings about PTSD and trauma. The surveyors wanted triggers addressed in the care plan, saying it was a new directive from CMS. Ms. Skul reviewed the trauma-informed care requirements, especially identifying alleviating and exacerbating factors. If there was a history of trauma, these things needed to be addressed. She heard surveyors expected these residents had to be offered counseling.

Valerie Youell said CertiSurv came in on Martin Luther King Day with 6 surveyors (3 trainees). They entered early in the morning, then the team lead came back at 10:30 p.m. The LSC survey was later, and another surveyor did licensure. The contractors only did the federal health survey. They used all the hours in the day. The building got 4 low-level cites, one of which Ms. Youell felt was total nitpicking.

The Chair said ODH was ramping up annuals, along with complaints with IJ potential.

Heidi McCoy said even though ODH was prioritizing annuals at the time of the meeting, QCOR was not up to date. It still showed 491 overdue surveys. Ohio had the largest number but was 5th in percentage. 285 SNFs were out 24 months and 5 were out 36 months. Per the available data, ODH had completed 394 annuals in 2024 at 41.3% of the facilities, which again was 5th-worst in the nation. They did 4,284 complaint surveys at 93% of buildings and 407 infection control surveys. Ms. McCoy expected all 2024 surveys would be in QCOR by the end of the first quarter of 2025.

Pete Van Runkle said the survey re-prioritization ODH was doing was something CMS had required all along.

He reported that Governor DeWine announced the executive budget the Monday before the committee meeting. The state also released the blue book and additional materials on the budget. Nothing was said about regulatory changes affecting SNFs or RCFs, but those things normally only came out in the budget bill itself. The bill was expected the Monday after the committee meeting.

ODH's Andrea Denning had said the next draft of the SNF licensure rules would be out soon and would be original filed. At Winter Conference and in a recent meeting, ODH had emphasized the PREP program. PREP had a variety of resources relating to regulatory compliance. Mr. Van Runkle added that he heard from a member with questions about surveyors focusing on arbitration agreements and the educate-and-offer requirements. Ms. Hall said she experienced the same regarding arbitration. The surveyors wanted them to present the entire admission packet.

Mr. Van Runkle discussed upcoming changes to the resident and family satisfaction surveys. This activity stemmed from the Governor's Task Force. Scripps and Vital Research were preparing reports with recommended changes that were expected soon. The Ombudsman's Office had reported that they planned to implement the changes beginning in June. Both the resident and family survey would be done each year. The results would be reported in rolling fashion. The old results would be removed for all providers as the new results started to come in. We asked that stakeholders have an opportunity to review and discuss changes to the process and survey instrument before they were implemented.

Debbie Jenkins reported on the two lawsuits against CMS's minimum staffing rule. In the Kansas case, the judge denied a preliminary injunction, finding there was no immediate harm. The AHCA/NCAL case was farther along. They did not request a preliminary injunction. CMS's motion for summary judgment was filed January 17. AHCA/NCAL expected a decision in April. There also was an administrative pathway for repealing the mandate, which would require notice-and-comment rulemaking.

We preferred that Congress repeal the rule because it would bind future administrations. At the time of the committee meeting, there was a lot of talk about the federal budget, specifically reconciliation. We had seen a list of potential cuts. Minimum staffing was a saver at \$22 billion, which could be counted against something else. There were questions about whether there would be one reconciliation bill or two and when they would pass. We were following the developments closely.

President Trump was inaugurated two weeks before the committee meeting. He issued over 70 executive orders, many of which rescinded President Biden's orders. They didn't apply to our members directly, but some of them raised concerns. HHS paused communications while getting the administration's leadership choices in place. 5-Star data had not been updated. CMS memos went from around 20 to 5 a week.

On Monday the week before the committee meeting, OMB put out a memo on freezing activities and funding relating to the executive orders. Medicaid wasn't listed specifically, but for a time states were not able to access the payment system. The White House held a confusing press conference, but then OMB issued a FAQ that said Medicaid was not included. There were several lawsuits over the freeze, one resulting in a TRO on the Monday before the committee meeting that broadened the court's previous direction that open awards couldn't be paused. We were hearing every day about more things on the chopping block. We would inform members if anything affected their services.

Federal rules had to be submitted to OMB. We heard that OSHA withdrew their COVID rule and CMS withdrew their EP rule. Ms. Jenkins said she then checked the OMB website, and all but a handful of the previously-listed rules were gone. They required review by the new officials.

The Senate Finance Committee recommended the full Senate confirm RFK Jr. as Secretary of Health and Human Services. The next step was a Senate floor vote. We didn't know the date, but typically committee recommendations were confirmed.

Mr. Van Runkle said AHCA/NCAL was working on a proposal called A Better Way. It was a list of regulatory relief ideas to rationalize the survey and enforcement processes. A few items were reimbursement-related. The list included dozens of ideas, including many things the committee previously discussed. Some could be done administratively, others required rule changes, and still others required legislation. AHCA/NCAL was keeping the list quiet until it could be presented to the new administration, after key personnel were appointed. March was the target month.

CMS adopted additional changes to SOM Appendix PP relating to nurse staffing and PBJ in mid-January. AHCA/NCAL was continuing to produce resources on the many areas in Appendix PP that were changed over the past several months. These resources were on their survey web page. CMS moved the deadline for all the Appendix PP changes out to March 24, 2025.

Mr. Van Runkle pointed out that the deadline for submitting PBJ data was February 14. CMS still allowed no grace period, although this was one of many things targeted by Better Way. PBJ was even more important because under the new guidance, surveyors would be expected to check the data before entrance.

Ms. Jenkins reminded the committee that OSHA logs needed to be submitted by March 2.

Chair Rapp asked for any other business. There was none. She said the next meeting would be March 6.

The meeting was adjourned.

Attendance:

Last Name	First Name	7/11/2024	8/8/2024	9/5/2024	10/3/2024	11/7/2024	12/12/2024	1/2/2025	2/6/2025
Abraham	Joe			P		P	P		P
Adkins	Dee								
Allen	Amy		P	P	P	P	P		P
Anderson	Josh							P	
Asher	Bryan	P	P			P			P
Beatrice	Edward	P		P	P	P		P	P
Bell	Kayla				P		P		
Bookshar	Dawn	P	P	P	P	P			

Bower	Danielle	P							
Bower	Scott								
Brock	Amanda		P	P	P	P		P	P
Butler	Lashea	P		P	P		P		P
Cahill	Tim								
Campbell	Pam								
Campbell	Tuesdie			P	P	P	P	P	P
Carter	Linda								
Cassidy	Tammy			P					P
Costello	Colleen	P		P	P				
Coury	Eli	P		P		P			
Craycraft	Shane								P
Crowley	Jennifer	P			P		P		
DeBerry	Guinevere					P		P	
Dietz	Diane	P		P	P	P	P		
Dobbelare	Lisa								
Dorn	Josh								P
Douglas	Cassie	P						P	P
Fidram	Anthony								
Fogle	Heather	P							
Francisco	Teresa				P	P			
Freas	Heidi		P						
Grimm	Jarrold								
Hall	Bonnie				P		P	P	P
Hall	Tiffany	P	P		P		P		P
Hamblen	Cathy	P	P	P		P		P	P
Hamilton	Lisa		P	P	P	P		P	
Hammond	Christina								
Hart	Erin	P	P	P		P	P	P	P
Havenar	Janell		P						
Heineman	Lorelei			P					
Heller	David	P							
Humenik	Theresa			P		P		P	P
Jablonski	Nicole		P	P		P			
Jenkins	Debbie	P	P			P	P	P	P
Johnson	Cindy			P	P		P	P	P
Kennedy	Keith								
Kenney	Christine	P	P		P				

Koch	Sarah	P	P	P		P	P	P	P
Kostolich	Dee								
Leahy	Kelly		P		P	P			
Lichtenstein	Mordecai								
Masternick	Marc								
McCoy	Heidi		P		P	P	P	P	P
Moore	Angie		P			P		P	
Motolik	Victoria		P		P	P	P	P	P
Murray	Matt	P	P		P				P
Nichols	Casey			P					P
Nordhoff	Jackie							P	P
Notter	Josephine	P	P	P	P	P		P	P
Perreault	Shanna		P						
Petrella	Bradley	P					P		P
Piccirilli	Trista	P				P		P	P
Queener	April	P		P	P		P	P	
Rapp	Santana	P		P	P	P	P	P	P
Ratliff	Derrick	P	P	P		P	P	P	P
Rejonis	Carri								P
Remy-Detty	Teresa	P	P	P	P	P		P	
Rohrs	Jennifer	P			P	P			
Romes	Kerri	P							
Rutherford	Seana		P						
Ryder	Gwynn	P	P	P		P		P	P
Schmidt	Melissa								
Selnick	Blake	P	P	P	P	P	P	P	P
Selvey	Tammy		P	P		P			P
Shah	Hemant			P			P		
Skul	Cassandra							P	P
Smith	Mandy	P			P	P			
Stewart	Hannah		P		P	P		P	P
Stewart	Shane	P			P		P	P	P
Suber	Ladina		P				P		P
Suing	Rob	P	P	P	P	P	P	P	P
Tapocsi	Greg								
Thompson	Trey						P	P	
Tolliver	Justin								
Tost	Christopher	P	P	P	P	P	P	P	P

Van Runkle	Pete	P	P	P	P	P	P	P	P
Vordermark	Sarah	P	P	P	P			P	P
Welch	Dottie				P				
Williams	Candace		P						
Wolf	Jennifer								
Youell	Valerie				P		P	P	P
Zamudio	Jennifer		P						