

OHIO HEALTH CARE ASSOCIATION WORKFORCE COMMITTEE

December 13, 2021, 1:00 p.m.

Zoom Conference Call

312-626-6799 Meeting Number 86029392232 Passcode 2021

MEETING MINUTES

Chair John Goodman opened the meeting and welcomed committee members. He pointed to the antitrust, conflict of interest and confidentiality policies located in the online folder. Next he asked for a motion to approve the minutes from the October meeting. Amy Allen moved to approved, followed by a second by Jamie Brose. Attendance is recorded in a chart at the bottom of the meeting minutes.

Mr. Goodman first invited Mr. Pete Van Runkle to discuss the Public Policy agenda, beginning with the CMS Rule on Vaccination which has been put on hold by more than one court. Ohio has interest in the Louisiana district court that issued an injunction on the CMS vaccination mandate nationwide. The federal government has appealed the injunction to the fifth circuit. Ohio is not included on that circuit, but is a part of the Louisiana lawsuit. If a stay on the injunction were granted, the rule would be put back in place. The other court trying the CMS vaccine mandate is the 8th circuit, and the appeal to place a stay on the injunction was denied today in that court. It is likely that the 5th circuit will follow suit. There are two other federal cases as well. Texas has taken a wait and see approach. However, Florida went another route and upheld the CMS vaccine mandate, and supported in the 11th circuit appeal as well. However, the injunction on the mandate in Ohio remains in place and will continue to be for the relatively near future. Providers should plan for re-emergence of the mandate by have policies and procedures ready but not operational, unless the provider chooses to have a voluntary mandate in place.

Nathan Carder asked if the timelines for implementation would be extended should the stay be granted or the mandates are otherwise put back into effect. Mr. Van Runkle responded that it was difficult to say, but that it was likely that CMS would provide a short window implementation due to the proximity of the injunction to the first December deadline. He did not feel that the policy would be retroactive. Chair Goodman concurred, and stated that the lack of comment period appears to be a sticking point, so we may see the rules re-emerge with a comment period. Mr. Van Runkle reminded committee members of an upcoming office hours at 4pm discussing the mandates.

Next, Mr. Van Runkle discussed House Bill 169, which passed three days after introduction last Tuesday. The bill was now awaiting the Governor's signature and provides \$4 billion in appropriations, including various appropriations to long term services and supports providers.

The money is supposed to be spent for direct care compensation, not clearly defined. How long the state has to distribute the funds, how to calculate the provider allocation, reporting requirements, and timeline for spending are not stipulated. The language does, however, indicate that the funds can be recouped if the provider does not use them as intended. Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs) have prescriptive language on who cannot receive the funds, including corporate staff and owners. However, it is still unclear where some support positions may fall, such as dietary and housekeeping. SNFs have an additional recoupment stipulation for a change of ownership situation which would be recovered from the proceeds of the sale. OHCA has requested more information and dialogue with the Ohio Department of Medicaid to discuss further and is awaiting a response.

Mr. Van Runkle then moved to the topic of staffing agencies. OHCA is continuing to work on legislation to regulate staffing agencies that also has the potential to pass. This requires us to omit and caps on fees. It is likely to be addressed in 2022, and not in 2021.

Chair Goodman invited Ms. Begin to discuss Grant options OHCA continues to research. Ms. Begin then discussed the CDC Grant for Nursing Home strike force teams. Ohio was awarded a total of \$27 million, to be used between SNF and other long term care providers, according to Director Ursel McElroy. This would include Residential Care facilities and ICFs. OHCA met with Director McElroy on December 3 to discuss our proposed suggestions, located in the online folder, and the plan that would be submitted. After discussing the OHCA and LeadingAge Ohio (LAO) plan, which focused on Regional Rapid Response Assistance Program (R3AP) and technology enhancements, she informed us that she would be requesting one third of the total amount (about \$8 million, per the Director) during the controlling board meeting scheduled for December 6. This would include both expansion and support of the R3AP program as well as funds for a recruitment campaign for long term care. OHCA restated our desire to have the R3AP team operate on a 24 hour basis, 7 days a week, as well as provide direct staffing support in a staffing crisis. However, the Ohio Department of Aging only submitted \$1.1 million for the physician staff salaries of the R3AP team. It did not include any additional dollars for direct caregivers or campaign dollars. Additionally, in house bill 169 it lists about \$11 million for ELC nursing home and long term care (LTC) strike force team and \$5.6 million for strengthening HAI/AR from the same grant. Through all three appropriations, approximately \$17.7 million of the \$27 million dollar total have been requested since we met with the Director. OHCA is in the process of discussing the use of this appropriation with the Director. During the conversation on December 3, the Director was open to our additional ideas about student loan repayment. This plan would include direct care workers who stay in LTC for 3 years; including RCF, SNF and ICFs. OHCA will submit a methodology for this type of program to remove and perceived barriers. Other associations pushed for a grant fund for technology solutions. There is an additional \$27 million that will become available to larger organizations in the near future as well.

Building on the topic of workforce investment, Ms. Begin discussed the current Build Back Better Act which included Nursing Home Worker Training Grants. In its current form, which has not yet been passed, \$415 million dollars is being proposed for eligible settings (including Home

health, hospice, SNFs, ODA waiver services, ALF and ICF). There are many uses for the funds, and OHCA continues to research projects implemented in other states for possible application to Ohio. In Wisconsin, the Department of Health was awarded a Civil Money Penalties grant in the amount of used \$2.3 million over the course of several years to pay for training and testing of 3000 Certified Nurse Aides (CNAs) in their state. This included a recruitment campaign as well as tracking software. The retention and attrition data is unreliable due to noncompliance in Nursing Facility reporting. Many Nursing Facilities paid for the retention credit in most cases of \$500. Wisconsin just received a grant to do another 500 CNAs, in the amount of \$475K, through the same program. They are also using Money Follows the Person program dollars to leverage this program to include direct care workers, providing for 7000 Direct Care Workers to complete training and provide 4000 DCWs with retention bonuses. They are hoping to include HCBS in the next workforce grant fund. Ms. Begin pointed to additional information and slides in the committee folder.

Ms. Begin also described a program where University of Washington applied for a grant from Washington health care authority using ARPA dollars to pay for a 6 month externship in long term care facilities for nursing students with two LTC organizations to incentivize entering the workforce. The total grant awarded was \$167K. OHCA has received contact information for the program lead at UW from the Washington Health Care Association and will continue to gather information on this program.

Next, Chair Goodman invited Debbie Jenkins to discuss the topic of Refugee Resettlement programs. She referenced the list in the online folder for the 9 resettlement agencies in the state of Ohio. She then indicated that some members had reached out to the agencies and were not successful receiving a response. Ms. Jenkins stated that she contacted Jennifer Johnson, the Program Coordinator at the Ohio Department of Job and Family Services (ODJFS), who informed her that many of the refugees from Afghanistan were still in the process of relocating throughout Ohio from the base. Once they are located in a specific area of the state, agencies will begin to work with them on cultural acclimation, English and employment. Many resettlement agency staff are working remotely and overwhelmed by the influx of refugees. Ms. Johnson requested information on potential jobs available in long term care, which Ms. Jenkins provided as well as her contact information for additional follow up. Ms. Johnson would reach out and let the agencies know that our members may be contacting them to educate the refugees on potential job opportunities. However, the process appears to have a delay of about 4 to 6 months at this point. Ms. Johnson also indicated that some refugees have barriers to employment due to lack of documentation of Education and other required items. Ms. Jenkins instructed committee members to reach out to the resettlement agencies, now that they have been prepared for our inquiries, and stated that OHCA would continue to follow up with the resettlement agencies and ODJFS.

Next Ms. Begin discussed continuing efforts from OHCA on rule revisions related to the State Tested Nursing Assistant (STNA) and Licensed Practical Nursing (LPN) education programs. She began with the STNA Rule review, which begins in January 2022. OHCA spoke with the Ohio Association for Career Technical Education (OACTE) and several career centers to see if there are other relaxations they need. They referenced a pandemic related waiver which permitted simulation use for the STNA clinical portion. They indicated that it would be helpful to reinstate and make this flexibility permanent as there are barriers to entering facilities with vaccination

requirements, etc. OHCA is researching the original waiver and has identified the applicable rule to revise as part of our larger rule amendments. These amendments include lowering passing score to align with other states to 70%, expanding ratio to 1:10 to align with other states, reducing the experience requirement for instructors to 1 year in LTC to align with federal standards, and amend language to omit media use restrictions to allow for virtual learning of classroom content. The Career Technical Education Centers (CTECs) are now gathering data on rates for students who performed clinical portion requirement using simulation under the waiver for our discussion in January with the Ohio Department of Health (ODH).

Ms. Begin then discussed continuing efforts to expand access to high school career centers that offer LPN training. In our discussions with the career centers which offer these programs as well as the Ohio Association for Career Technical Education (OACTE), we have come to understand the barriers to offering this program in high schools. The main barriers identified are finding instructors, mitigating startup costs and obtaining cooperation from the feeder schools to send students. OHCA is looking towards ARPA dollars with the administration for the funding related issues, providing \$100,000 in startup costs to the 25 interested CTECs. OHCA also met with the Board of Nursing (BON) on the two LPN rule changes we are suggesting. We found that we can have a program administrator do more than one program, which would reduce cost of that staff. OHCA will present regulatory changes in March 3 meeting for the LPN nurse faculty to include RN who is enrolled in BSN program to teach, making those faculty members more accessible in the near future. We also found that CTECs can add high school program to existing adult program without any issue, removing additional burden. Ms. Begin also mentioned that the CTECs have issues finding LTC facility preceptors, and advised committee members that she would be reaching out for potential placement for new students. Deanna Hatfield asked what they were looking for exactly. Ms. Begin stated she would gather that information from the centers and provide during our next meeting. Steve Boymel indicated that they are looking for Directors of Nursing who are invested in the success of the programs.

Mandy Smith then discussed the Temporary Nurse Aides to STNA pathway in Ohio. The Ohio Department of Health indicated that it would take 6 months to get the 13,000 TNAs through testing, and OHCA has shared this timeline with CMS in the hopes that we would be given additional time from the 4 month timeframe after the waiver ends for TNAs. Upon surveying the Regulatory Committee, it appears that many facilities are preparing for their TNAs to be tested for the STNA. OHCA still requested a review course from AHCA to help TNAs prepare and ensure we are able to retain this important part of the workforce. She also advised that if committee members had not yet prepared, that she could connect them with providers who had.

Ms. Jenkins opened up the discussion on technology solutions for workforce. During the home and community based service conference, CMS indicated that providers could not replace staff with technology, but they could utilize technology to help those individuals which they serve, such as assisting with independence. She asked committee members to share creative ways that they are using technology to assist with individuals' independence or workforce. Ms. Begin

added that this may include telehealth or remote patient monitoring, which was previously unavailable to providers. Ms. Jenkins noted that we would continue a discussion during the next meeting after committee members had more time.

Chair Goodman asked if there were any other items. Tom Rickels asked if there was any indication on change in Direction with the change in leadership with the Department of Developmental Disabilities. Ms. Jenkins responded, stating that she had a call scheduled next week with the new Director. She added that the new Director did understand the challenges around workforce. She also indicated that she did not anticipate a huge shift in direction given that the Administration was still in place and they tend to manage from the top down.

Ms. Begin then discussed the upcoming Workforce Summit on January 24 and 25 and highlighted some key topics covered. She directed members to the EFOHCA website for registration and also stated that they could email her directly for the link.

Chair Goodman then moved to adjourn the meeting.

Next meeting:

January 11, 2021 at 1:00 p.m.

First Name	Last Name	13-Dec
Amy	Allen	P
Andrew	Austin	
Erin	Begin	P
Allyson	Bakewell	P
Brandi	Body	
Tammy	Bonifas	P
Steve	Boymel	P
Nicole	Breving	P
Jamie	Brose	P
Nathan	Carder	P
Kathy	Chapman	
Joe	Chesney	
Tiffaney	Closson	
Angena	Collier	
Pam	Cooke	P
Melissa	Courtock	P
Diane	Dietz	P
Nancy	Erwin	P
Cayleigh	Esterly	P

Ken	Fetterman	P
John	Goodman	P
Alana	Griffin	
Deanna	Hatfield	P
Jill	Herron	P
Brenda	Honigford	P
Joan	Howard	P
Judy	Howell	
Eric	Hutchins	
Debbie	Jenkins	P
Brandi	Johnson	P
John	Jones	P
Gina	Kerman	P
Eileen	Kilbane	P
Renee	Kinder	
Brian	Kinzer	P
Karen	Knavel	P
Kelsey	Knisley	P
Eitan	Laghaie	
Joan	Longhin-Howard	
Heidi	McCoy	P
Brenda	Milanczuk	
Greg	Miller	P
Steve	Miller	P
Jeremy	Monroe	
Bridgett	Mundy	
Shelly	Orlowski	P
Rob	Pivonka	P
Tom	Rickels	P
Melanie	Rittenour	
Mark	Schlater	P
Ginger	Schuerger-Davison	P
Carol	Slight	P
Mandy	Smith	P
Nicole	Sprenger	
Michael	Tenenbaum	
Pete	Van Runkle	P
Aubrey	Varner	