

# **OHIO HEALTH CARE ASSOCIATION WORKFORCE COMMITTEE**

**July 8th, 2024, 1:00 p.m.  
MEETING MINUTES**

Chair John Goodman welcomed committee members to the call and pointed to the conflict of interest, antitrust and confidentiality policies. Committee members approved the minutes from the previous meeting. He requested committee members who had called in to email their attendance. Attendance can be found at the bottom of this document.

Pete Van Runkle discussed the Public Policy items on the agenda. He provided an update on the ongoing litigation regarding the minimum staffing rule and reiterated that it would not impact the implementation of the facility assessment requirement. He reminded members to address the items required on the facility assessment and not to include explicit staffing instructions such as “Hours Per Resident Day” (HPRD). He noted that Ohio Surveyors have been instructed to look at the items addressed rather than outcomes. He also noted that LeadingAge had joined AHCA in this litigation. This portion of the minimum staffing rule is set to take effect in August 2024. He also mentioned the legislative effort to override the minimum staffing rule and how the increased federal savings from the re-score by the Congressional Budget Office is helpful. However, he characterized the legislative route as an unlikely solution, and re-stated that the litigation was more likely to prevent the other requirements of the minimum staffing rule.

Erin Hart then described the OHCA Workforce Amendment, currently passed in Senate Bill 144. This legislation aims to simplify medication aide regulation, increase access and improve training and testing protocols. She noted that the Board of Nursing expressed opposition to the legislation in the final hours. The amendment reduces the required training hours, expands testing access locations, expands the scope of practice and changes the nomenclature of a State Tested Nursing Assistant to a Certified Nursing Assistant; among other changes. She pointed to the summary included in the agenda materials for more information and also mentioned that OHCA would be holding a free member webinar summarizing the bill and explaining next steps for implementation. She stated that changes would not take effect until at least 90 days after the bill was signed, which had yet to occur. Additionally, she explained that there would be several rule-making processes required and planning discussions with both the Board of Nursing and Department of Health prior to implementation.

Erin Hart then discussed a new Budget proposal for creating a reimbursement mechanism for microcredentials in long term care called “Silver Skills”. After committee member feedback, the program development was changing to allow for reimbursement of employer led training programs. A projected cost estimate and

program guidance document was currently under development for submission to the Ohio Department of Aging. The program would be administered on a first come first serve basis to ensure access. She stated that the revised budget and program guidance would be available before the next committee meeting in August.

Ms. Hart then mentioned that the process of obtaining visas for healthcare workers, including nurses, has become subject to retrogression, meaning that visa requests will be processed based on quotas throughout the year, with no additional visas being issued until the following year. The federal fiscal year was set to restart in October, which would effectively open the visa process up again.

Debbie Jenkins then provided an update on the Department of Labor overtime rule, which increased the salary threshold to \$43,888 and went into effect last Monday, except in Texas due to a pending court case. She mentioned that a decision on the case could come before January 1st, when the next increase is scheduled. Ms. Jenkins also discussed two non-discrimination rules under Sections 1557 and 504, with requirements like providing interpreters, auxiliary aids, and accessible medical equipment, with various effective dates starting July 8th. By November 2nd, organizations must have a 1557 coordinator and provide notice of non-discrimination policies. Rehab facilities must ensure 20% of medical diagnostic equipment is accessible, with 100% required by July 2026, including equipment able to accommodate larger individuals. Ms. Jenkins also discussed the Federal Trade Commission's non-compete ban, which is facing litigation and set to go into effect on September 4th. She mentioned that a decision on the case is expected prior to the rollout date.

Mandy Smith then provided an update on LPN renewals, emphasizing the importance of timely renewals and the necessity for all documents to be uploaded electronically. She advised facilities to start reminding their LPNs about the renewal process early to avoid any compliance issues. Victoria Barkin sought clarification on who is responsible for updating LPN licensure, and Mandy confirmed that it's the individual's responsibility but facilities should still monitor their employees' compliance.

Pete Van Runkle reviewed the new definition for staff turnover under the Payroll-Based Journal (PBJ) rules, which included an increase in the turnover period for administrators from 60 to 90 days. He also addressed questions regarding the recent application of the Medicaid staffing quality measure. Many providers have reported rate discrepancies from the July 1 rate setting, and this has also been confirmed by several accounting agencies. It is unclear how Medicaid calculated the staffing component, and he noted that OHCA would continue to research this matter. He urged providers to submit rate reconsideration letters as needed. Furthermore, he discussed the calculation of staffing data for the upcoming quarters and highlighted expected changes in the staffing measure due to a freeze, which might affect individual facilities. He noted an issue for Ohio Medicaid

regarding a lack of comparable data across four quarters, but no decision was made yet on how to resolve this.

Debbie Jenkins provided updates on new rules proposed for the Department of Developmental Disabilities, which included removing requirements for direct support professionals to have a high school diploma or GED equivalent and allowing individuals aged 16 and 17 to work in the field under a limited scope. Erin Hart discussed the ongoing rollout of the Nursing Assistant Career Advancement Program (NACAP) and highlighted the availability of a medication aid-certified program through virtual partner Academic Platforms in the coming months. Mandy Smith announced a new on-demand Activity Processional Certification program in partnership with NCAP, offering a \$150 discount for OHCA members.

The next meeting was set for August 12. Chair Goodman asked if there were any other items for discussion. Hearing none, the meeting was adjourned.

Next Meeting: July 8th, 2024

First Name	Last Name	6/10/2024
Amanda	Luhring	X
Amy	Allen	X
Amy	Caroll	X
Brenda	Honigford	X
Brian	Kinzer	X
D	Sandwisch	X
Debbie	Jenkins	X
Eileen	Kilbane	X
Erin	Hart	X
Heidi	McCoy	X
Jeremy	Monroe	X
Joan	Longhin-Howard	X
John	Goodman	X
Josh	Anderson	X
Joshua	Wallace	X
Kimberley	Corrigan	X
LaShonda	Campbell	X
Lori	Filipovich	X
Mandy	Smith	X
Matthew	Pool	X
Melissa	Courtock	X
Nathan	Carder	X
Nicole	Breving	X
Pam	Cooke	X
Paula	Accordino	X
Pete	Van Runkle	X
Peter	Lienert	X

Rob	Suing	X
Sarah	Sonego	X
Santanna	Rapp	X
Steve	Miller	X