**OHIO HEALTH CARE ASSOCIATION WORKFORCE COMMITTEE**

**November 11, 2024, 1:00 p.m.**

**MEETING MINUTES**

Chair John Goodman welcomed committee members to the call and thanked veterans for their service. He pointed to the conflict of interest, antitrust and confidentiality policies. Committee members Santanna Rapp and Amy Carroll 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.

Erin Hart began by informing committee members that Pete Van Runkle and Debbie Jenkins were both traveling and unable to provide their updates during the call. She then provided a brief political update relating to the recent election results on November 6. She noted that many of the rules and court cases the committee would discuss today are in flux, and that, per a recent update provided by Clif Porter of AHCA/NCAL, President elect Donald Trump communicated that he would be reversing the CMS Minimum Staffing rule for nursing facilities in his first month of office. She also noted that conservative administrations have also targeted Medicaid spending, and the association would be watchful of any movement towards cuts. She also mentioned that the Senate and likely the House would have Republican control, which would impact other labor related rules. She specifically called out the CMS Medicaid Access rule, as this rule had been proposed before and reversed by a conservative administration. She stated that ODA had recently gave a presentation where they expressed their interpretation that the payment adequacy provision, or 80/20 rule, should also apply to assisted living. This interpretation is very concerning. As the provision is not in effect until 2028, there is ample time for the administration to reverse this rule. The state may choose to continue with payment adequacy requirements, regardless.

Ms. Hart then provided an update on the CMS Minimum Staffing Rule, reminding committee members again that the rule could be repealed under the new Administration. She said a group of attorneys general (AGs), led by the state of Kansas, and 19 LeadingAge state affiliates including Ohio filed a second suit in the Iowa against CMS's minimum staffing rule. Unlike the pending AHCA/NCAL case in Texas, the AGs' suit included a request for preliminary injunction. AHCA/NCAL did not feel that the timing would warrant a preliminary injunction, but this case cites providers beginning hiring efforts now. the federal district court in Iowa issued an order setting a hearing on the preliminary injunction for Friday, December 6. The hearing will consist of each party providing oral arguments for or against the preliminary injunction motion. AHCA/NCAL has been in communication with the AGs and do not believe that the Iowa case will have any impact on the timing or outcome of the Texas case, for which a decision is expected early in 2025. She again referred to the likelihood of other administrative remedy prior to the finalization of the court case as well. She also emphasized that providers will have to address staffing insufficiencies with or without a minimum staffing mandate.

Ms. Hart then provided an update on the Mandamus Case. against the Ohio Department of Medicaid, which has seen some positive developments, with the Supreme Court denying the State's motion to establish a discovery schedule and issuing an alternative writ. An alternative writ is a court order telling ODM either to provide the requested relief or show why a permanent writ should not be granted. It indicates the court is prepared to rule in our favor. She expressed optimism about the case's outcome, but cautioned that the fight may not be over even if they win, as the State may try to fix what they perceive as an error in the overpayment.

Ms. Hart then moved to the status of changes resultant from Senate Bill 144 for the Medication Aide and NATCEP programs. She stated that the Medication Aide changes are further along with the Board of Nursing than the NATCEP changes are with the Ohio Department of Health. She also mentioned that the Board of Nursing has issued draft rules and an update on their website, detailing the changes. She noted that the curriculum change is effective now, and the Board of Nursing is working on the rules for the Medication Aid Training program. She stated that the scope of practice has been expanded, allowing facilities to use insulin pens and prn medications, but training and documentation are required. She also discussed the need for the Department of Health to update the Nurse Aid Registry and that being a long way off with other administrative challenges. ODH expressed concern over time and staff constraints for implementing a process by which educational institutions can get their testing protocol approved for the NATCEP program and the potential for facilities to proctor nurse aid testing. Lastly, she noted that the Ohio eLicense lookup had been updated to allow for CMAs to be verified, per statutory requirement.

Ms. Hart also discussed the ongoing appeal against the non-compete rule, which was filed in October and is currently prohibited from enforcement. However, the Federal Trade Commission (FTC) is appealing the decision, with a potential court case scheduled for the first week of December.

Josh Anderson provided an update on Department of Developmental Disability workforce issues. DODD is working on putting together a Workforce Symposium which is being targeted for March 26th. It will feature winners of the HCBS ARPA workforce-related grants to talk about the successes and challenges of their workforce-related initiatives. OHCA is working on connecting with John Silfies who is putting together a website and tool to describe the DSP job and link interested folks with job openings in their areas.

Ms. Hart then discussed a new initiative called “People Worth Caring About”. The Nebraska Health Care Association contracted with Peter Murphy Lewis to create a documentary showcasing direct care workers in long term care with great success. OHCA reached out and are executing a contract to do a similar project within time for a grand premier at convention and for use of advocacy efforts during budget negotiations. She noted that they were using OHCA Award nominations to identify candidates, but committee members could submit resident/caregiver stories to her by end of day Thursday if they wished to be considered for the project.

Ms. Hart gave a brief update on the delivery of OHCA Excellence Awards, highlighting that awards are being delivered on site this year instead of at convention. She requested feedback from the committee on this approach. She also reminded committee members that the OHCA Photo Contest entries were due by November 19 and that submissions who were missing information would receive a reminder email the next day for the required documentation. Incomplete submissions would not be included in the contest.

Ms. Hart noted that OHCA had not received any update or denial on the previously submitted CMP-RP grant application for certification of medication aides, and promised to update participants as soon as they received more information. She also gave a reminder to the committee that the AHCA/NCAL Quality Award intent to apply was due by Thursday, November 14. She noted that those who submit an intent to apply were given a discount on the Award application and additional assistance with the program. She gave Mandy Smith as the staff contact for questions relating to that program and application process.

Ms. Hart then moved to the last portion of the agenda. She referenced the link to the ASPE Health Care Workforce Report in the agenda, which summarized information on the supply and distribution of several components of workforce including nurses and direct care workers. The report noted that by 2032, jobs providing direct care to assist older adults and people with disabilities will account for nearly one in every six jobs, making it the largest occupational category in the economy. She suggested that committee members could reference this report when speaking with local, state and federal representatives about workforce initiatives. She reminded committee members to contact her if they wished to be utilized for grassroots advocacy efforts such as facility tours in 2025. Next, she noted that the National Dementia Workforce study was ongoing and the link to participate was also provided in the agenda. Lastly, she told the committee members that the ODH Nursing Home Conference scheduled for November 20th had been postponed due to a large number of interested providers being too large for the space rented. ODH plans to reschedule for the Spring.

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The next meeting was set for December 9. Chair Goodman asked if there were any other items for discussion. Hearing none, the meeting was adjourned.

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| **First Name** | **Last Name** | **11/11/2024** |
| Anthony | Wilson | X |
| Bob | Webster | X |
| Brandi | Johnson | X |
| Brian | Kinzer | X |
| Cindy | Gensamer | X |
| Eileen | Kilbane | X |
| Eitan | Laghaie | X |
| Erin | Hart | X |
| Gina | Cappitti | X |
| Heidi | McCoy | X |
| Jeremy | Monroe | X |
| John | Goodman | X |
| Josh | Anderson | X |
| Kelsey | Knisley | X |
| Laurie | Loughney | X |
| LaShonda | Campbell | X |
| Mandy | Smith | X |
| Nathan | Carder | X |
| Nicole | Breving | X |
| Ozimba | Anyaganwe | X |
| Pam | Cooke | X |
| Peter | Lienert | X |
| Rob | Pivonka | X |
| Rob | Suing | X |
| Sarah | Sonego | X |
| Santanna | Rapp | X |
| Shanna | Barns | X |
| Tammy | Bonifas | X |
| Victoria | Barkin | X |