**OHIO HEALTH CARE ASSOCIATION
WORKFORCE COMMITTEE**

**December 9, 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 Cindy Gensamer and Eileen Kilbane approved the minutes from the previous meeting. Attendance can be found at the bottom of this document.

Chair Goodman invited Pete Van Runkle to discuss public policy issues, starting with the ODM Mandamus legal proceedings. He noted that the writ of mandamus was originally filed against ODM in February and then again in July due to a technical error regarding their funding of the Quality Incentive payment for Nursing Facilities and misinterpretation of statutory language. OHCA has now filed a brief on November 22 after the court set a schedule for the State to demonstrate the merits of their arguments. The state requested an extension of their response to December 23. After they respond, we will have 7 days to reply. There is no timeframe stipulated for the court to make a ruling after our response is submitted.

Next, Mr. Van Runkle provided an update on the CMS Minimum Staffing case from AHCA/NCAL in Texas. He explained that a second case was also filed in Iowa, led by the Attorney Generals of various states and various Leading Age affiliates. The Iowa case requested a preliminary injunction to prevent irrevocable harm. Oral arguments will be heard in the next week. Guidance from AHCA/NCAL indicates that the request for preliminary injunction is unlikely to be granted. The main case in Texas has briefings scheduled in mid-January 2025. AHCA/NCAL expects resolution of the case by the end of the first quarter in 2025. As a backup measure, AHCA/NCAL also has legislation in Congress that will not move in lame duck. National partners expect to push this legislation in the second reconciliation bill of 2025 in quarter 2 or 3. However, he reminded committee members that this is all speculation at this point and the legal case could remove the need for legislative action.

Ms. Hart then provided an update on Senate Bill 144, specifically related to the Medication Aide program changes under the Board of Nursing. She explained that the rule package 4723-27 was not included with the others on November 6 due to a perceived conflict with 4723.671 under the Ohio Revised Code caused by Senate Bill 28, sponsored by OALA and passed on the same day as Senate Bill 144. She indicated that Pete Van Runkle had been working with OALA and OBN to rectify the language through a separate legislative amendment. Ms. Hart reported that the Rules Committee had reviewed all comments submitted and sent final draft language to the OBN on November 20 to be approved in the Board meeting. OHCA expected new rules to be posted in the near term. She also noted that OBN has given no indication that they intend to steer away from the language in SB144 and has confirmed this by posting an update on their website. Lastly, she reminded members that the expanded scope of practice for existing medication aides started October 24, 2024. She announced that OHCA was currently working with Absolute Pharmacy to host a training for medication aide competency on pre-metered insulin. This training would be available mid-January and includes a step-by-step guide and competency checklist. She mentioned that Companions of Ashland already had this available in person at their training location in Ashland, OH.

Chair Goodman turned it back to Mr. Van Runkle for the first few items on the Regulatory section. He began with an update on the Department of Labor (DOL) Overtime Rule. A recent ruling had vacated the rule, even though the increase in salary thresholds for exempt employees went into effect in July 2024. While it would be difficult to reduce pay for employees that received raises, employers may wish to re-evaluate staff that was changed to a non-exempt status.

Mr. Van Runkle then discussed the new CMS Survey Guidance through a Quality Safety and Oversight (QSO) memo revising appendix PP. Most of the changes were already communicated in other formats. However, some sections have new wording and meaning. He highlighted the changes to guidance on the use of antipsychotics and noted the effective date was February 2025. Surveyor training would occur prior to implementation and would be available to the public.

Lastly, he mentioned the changes to NHSN reporting requirements by way of the Home Health Finalized Payment Rule. Originally set to sunset at the end of this year, the reporting was perpetually extended. CMS added reporting requirements for RSV and Influenza vaccines but also removed fields from the reporting.

Ms. Hart then informed the team about the Department of Homeland Security and Department of Labor's release of 64,000 non-agricultural temporary visas for 2025, with an additional 66,000 visas making a total of 130,000. She also highlighted the new training on HCBS settings required for assisted living members and home care providers.

Josh then shared updates about the DSP calling website. He noted that it was developed to help familiarize people with the DSP career pathways. He asked committee members to share examples for the website. He also mentioned workforce symposium planned for March 26th, featuring winners of ARPA workforce-related grants.

Ms. Hart discussed the progress of a caregiver documentary, which is set to be filmed in February and premiered during a convention on May 7th. The documentary aims to highlight the positive aspects of working in long-term care and the relationships between caregivers and residents. She also mentioned that they had not received any updates on the status of their CMP-RP grant application for Medication Aide training, despite the original announcement stating that notifications would be made in December.

Ms. Hart provided updates on various association matters. She announced that the annual EFOHCA scholarship application is now live, with a deadline of March 2025. She stated that all posters had been sent to facilities. She also mentioned the call for presentations for the OHCA Conference, with submissions due by December 20th. Furthermore, she introduced the AHCA/NCAL Building Trust Leadership Academy, with applications due by December 20th as well. Lastly, she pointed to the link on the agenda for the new AHCA/NCAL workforce resources web page.

Ms. Hart also discussed the Greater Cleveland Career Consortium Work-Based Learning Web Workshop, scheduled for January 20th. She noted that students in high school could meet graduation requirements by completing 200 hours with a work-based learning employer. This workshop would help employers understand how to participate in the program. She gave dining attendants as an example of a potential position. Lastly, she pointed to the link on the agenda for the National CECA Caregiver Contest, with video submissions due by January 3rd. She noted that prizes would be awarded up to $2500. No questions were raised during the discussion.

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The next meeting was set for January 13. Hearing no other issues, the meeting was adjourned.