**OHIO HEALTH CARE ASSOCIATION WORKFORCE COMMITTEE**

**September 9th, 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 Donna Sandswich and Jamie Brose 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 opened the meeting providing an update on the minimum staffing rule. He noted that the AHCA/NCAL legal case is progressing towards summary judgment, with both parties and the court agreeing to a schedule for motions and supporting briefing running through mid-January. The court is expected to make a decision before March 31st, 2025. Mr. Van Runkle also mentioned the legislative strategy that AHCA/NCAL is also pursuing to overturn the staffing rule. This strategy has a lower likelihood of being successful but could advance during lame duck.

Erin Hart then discussed the changes resultant of Senate Bill 144 and the progress from the various administrative agencies. She stated that the Board of Nursing had issued draft rules to enact the changes, and OHCA had submitted comments on those rules. The comments centered around the removal of disciplinary action from the Board of Nursing and addition of the Medication Aide Registry. All misconduct should be handled through the registry, as currently handled for Nursing Assistants. OHCA also commented on revising restrictions against nursing homes that had medication related survey citations in the last two surveys, citing the backlog of surveys from ODH. Ms. Hart mentioned that OHCA would host free member webinars on both the medication aide and CNA changes once rules were finalized. She moved to the CNA changes, including the change in nomenclature and instructor changes, and shared the ODH had not made any progress towards rule changes or guidance. However, many of the changes, such as CNA nomenclature, were self-effectuating on October 24th. Lastly, she noted that the changes to the Quality Improvement Program were being incorporated into a new version of rules from the Ohio Department of Aging. The Department made minor changes to the language that comply with the statute but do not make it obvious that providers do not have to use a QIP from the ODA approved list.

Mr. Van Runkle provided an update on the changes in quality measures for Medicaid reimbursement in SNFs. He explained that the staffing measure, which is total nurse staffing hours per resident day, was frozen for one quarter due to an error in the calculation. The Department of Medicaid used the last quarter of 2022 and the first three quarters of 2023 to calculate the measure. Mr. Van Runkle also mentioned that starting from July 31st, CMS will adjust the staffing measures by a new case mix adjustment. This change will affect the quality points calculation for January 1, 2024. He speculated that the methodology might change again for the quality measures by July 1, 2025, potentially affecting the state budget.

Mr. Van Runkle then discussed the recent developments regarding the Federal Trade Commission’s (FTC's) non-compete ban, including a Federal District court in Texas invalidating the nationwide rule and the FTC's consideration of whether to appeal. He also mentioned the IRS's new guidance on utilizing student loan payments as matching for retirement plans. He also discussed the status of the Department of Labor Overtime rule, which took effect on July 1 but was subject to a preliminary injunction in Texas. He predicted that the court would likely issue a decision invalidating the overtime rule. Eitan Langhaie from Care Core asked about the ODM quality incentives. The group discussed the interpretation of data for determining the January rate and the potential court ruling on the overtime rule.

Ms. Hart discussed the Civil Money Penalty Reinvestment Program (CMP-RP) Grant application process, which is set to close at the end of September, and the new limitations imposed by CMS. She mentioned that members can still provide a letter of support for the medication aide grant that EFOHCA is applying for. The grant would help providers create a medication aide training program or pay for individual certifications of an employee. The new CMP rules allowed for $5,000 of training per facility per year over a 2 year period. She also highlighted the finalized workforce budget proposal and the silver skills reimbursement program, which was submitted to the Department of Aging for consideration. The program would reimburse providers for certifications up to $2,500 per certification and up to $45,000 a funding period, with 6 funding periods a year. The certifications could be external or provider led, and would be approved by a review committee ran by the Department of Aging. The total annual budget ask is for $8.7 million.

Ms. Hart then discussed the Excel Academy, an initiative of the Ohio Department of Aging, and the rollout of a new cohort for facilities. She noted that a very small number would participate in the initial cohort and the commitment of time could be well over a year. Each facility would have 10 staff members participate for 2-3 hours a week. The sessions would target specific topics, but the facilities would commit to participating in all sessions. Ms. Hart also discussed concerns about the training program and its in-person delivery. Diane Dietz then introduced the Bureau of Workers Compensation's Better You Better Ohio program, a free wellness initiative for employees, and encouraged the team to consider the program.

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The next meeting was set for October 12. 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** | **9/9/2024** |
| Amy | Allen | X |
| Ashley | Buga | X |
| Bob | Webster | X |
| Brandi | Johnson | X |
| Brian | Kinzer | X |
| Chris | Stach | X |
| Cindy | Gensamer | X |
| Donna | Sandwisch | X |
| Diane | Dietz | X |
| Eitan | Laghaie | X |
| Erin | Hart | X |
| Gina | Cappitti | X |
| Heidi | McCoy | X |
| Jamie | Brose | X |
| Jill | Herron | X |
| Joan | Longhin-Howard | X |
| Joe | Harmon | X |
| John | Goodman | X |
| Josh | Anderson | X |
| LaShonda | Campbell | X |
| Melissa | Courtock | X |
| N | Cubbison | X |
| Pam | Cooke | X |
| Pete | Van Runkle | X |
| Peter | Lienert | X |
| Rob | Pivonka | X |
| Rob | Suing | X |
| Sarah | Sonego | X |
| Santanna | Rapp | X |
| Victoria | Barkin | X |