Meeting Minutes: Nursing Home Workforce Standards Board

Date: Thursday, June 13, 2024

Minutes prepared by: Linnea Becerra

Location: Minnesota Room, DLI, 443 Lafayette Rd. N., St. Paul, MN 55155 and online via Webex

## Members Present

* Commissioner Nicole Blissenbach
* Chair Jaime Gulley
* Michelle Armstrong
* Kim Brenne
* Michele Fredrickson (remotely)
* Maria King
* Katie Lundmark
* Paula Rocheleau

## DLI Staff

* Ali Afsharjavan (remotely)
* Linnea Becerra
* Paul Enger
* Leah Solo

## Visitors

* Todd Bergstrom
* Jeff Bostic
* Angela Garin
* Toby Pearson (remotely)
* Charlie Peterson (remotely)

# Agenda items

1. **Call to order** – The meeting was called to order by Chair Jamie Gulley at 11:07 a.m. Roll call was taken by the secretary and a quorum was declared.
2. **Approval of agenda** - A motion to approve the agenda as presented was made by Michelle Armstrong, seconded by Commissioner Blissenbach. Item was presented for discussion; a roll call was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes –** A motion to approve the May 9, 2024 drafted meeting minutes as presented was made by Michelle Armstrong, seconded by Commissioner Blissenbach. Roll call was taken, the motion passed unanimously.
4. **Board Updates**

* Executive Director Solo reviewed the Calendar and upcoming work office memo. This memo notes important next steps, topics, and rules, as well as timelines for the next 12 months. There was no discussion around the calendar, but the board members expressed gratitude for this high-level overview.
* Certification and training workgroup update on the work the group has done. Commissioner Blissenbach talked about the meetings – the role of the board and the role of the certified organizations in making curriculum, and then the Board’s role in approving it after it is developed. There was consensus among the group to put together a shell and some examples for the certified worker organizations. There will be flexibility in how the certified worker organizations present the material, and they can provide more information but no less. Commissioner Blissenbach also stated that the certification and training group is recommending a specific Waiver and Variances workgroup and formally asked Maria King and Kim Brenne to serve on it. Jamie Gulley and Katie Lundmark will be the other two members who will join the Waivers and Variances workgroup. There was a motion to establish a Waivers and Variances workgroup by Commissioner Blissenbach and seconded by Paula Rocheleau. A roll call was taken, the vote carried.
* The certification and training workgroup also passed the process for certifying that workers had been train by a certified worker organization and brought the final version to the board for a final vote. Chair Gulley asked the board if they would like to take a vote on this process and members wanted another month to review the process before voting. This item will be taken up at an upcoming meeting.
* Katie Lundmark updated the group on the principles workgroup. She stated that the group worked collaboratively to create the presented draft. Kim Brenne presented two edits that consisted of changing “will” to “may” and “are” to “may be” in the final bullet point of the principles document. There was a motion to adopt the draft principles with the changes made by Commissioner Blissenbach and seconded by Katie Lundmark. The item was presented for discussion. A roll call was taken, and the motion carried.
* Executive Director Solo reported on behalf of the public engagement workgroup. The group notes that there should be public engagement around implementing the rules. The group also proposed a public hearing date of September 19, 2024, at 6 p.m. in the Minnesota room at DLI. There was discussion around the day and time. Maria King made a motion to approve September 19, 2024, as the scheduled date for the public engagement event. A roll call was taken, and the motion carried.
* Paul Enger (OGC) reviewed the Nursing Home Workforce Standards Board Proposed Expedited Permanent Rules Establishing Minimum Nursing Home Wage Standards. These rules do not have substantive changes and were presented for discussion and a possible vote. Maria King asked about clarifying the definition of Nursing Assistant (144A.61) versus the Certified Nursing Assistant as defined in the Nursing Home Workforce Standards Board rules. Kim Brenne stated that the Department of Human Services uses CNA (Certified Nursing Assistant) in the cost reports. Commissioner Blissenbach weighed in saying that labor standards would look at the definition in the proposed rules and there is enough clarity to enforce them. A decision was made to leave the revised rules as they came. There was a motion to vote on the rules returned by the revisor by Michele Fredrickson and seconded by Michelle Armstrong. A roll call was taken, and the motion carried with six votes in favor and two abstaining.
* Executive Director Solo explained the definition discrepancy that has been brought up. She explained, the definition of nursing home in the statue refers to 144A and the definition of nursing home worker refers to the definition of nursing home. The definition of nursing home employer refers to 256R. Facilities who are on 256R are also on 144A but not everyone on 144A are on 256R. The major differences are the VA, a nursing home on tribal land, and private nursing homes. Executive Director Solo investigated this and there doesn’t seem to be a strong reason for it. She stated that this was an update and not an answer, and that the research into this issue would continue.

1. **New Business** –Executive Director Solo updated the board on the new bylaws. There are two major updates. The first update is that beginning on August 1st, 2024 there will have to be two people who are commissioners or commissioners designees voting affirmatively on something for it to pass. The second update is that the date to pass the initial wage standards by November 1, 2024. Director Solo recommended that the bylaws be voted on at the meeting in August.
2. **Next Meeting –** Thursday, July 18, 2024 at 11 a.m. in the **Washington** room

## Adjournment:

A motion made by Maria King to adjourn the meeting at 11:59 a.m., seconded by Michelle Armstrong. A roll call was taken, the motion passed unanimously.