

Meeting minutes: Nursing Home Workforce Standards Board

Date: Wednesday, March 27, 2024

Minutes prepared by: Linnea Becerra

Location: Hybrid – Minnesota Room (DLI) and via Webex

Members present

- Commissioner Nicole Blissenbach
- Chair Jaime Gulley
- Kim Brenne
- Michele Fredrickson (remotely)
- Michelle Armstrong
- Paula Rocheleau (remotely)
- Mary Swanson (remotely)

Visitors present

- Jeff Bostic
- Brian Elliott (remotely)
- Megan Hennen (remotely)
- Nicole Mattson
- Casey Murphy

DLI staff members present

- Ali Afsharjavan
- Linnea Becerra
- Paul Enger
- Josiah Moore
- Leah Solo

Agenda items

1. **Call to order** – the meeting was called to order by Jamie Gulley at 9:03 a.m. A roll call was taken. A quorum was declared.
2. **Approval of agenda** – a motion to approve the agenda as presented was made by Michelle Armstrong and seconded by Commissioner Nicole Blissenbach. An item was presented for discussion; Chair Gulley called the motion passed unanimously.
3. **Approval of drafted meeting minutes** – a motion to approve the March 21, 2024, drafted meeting minutes as presented was made by Armstrong and seconded by Commissioner Blissenbach. A roll call vote was taken and the motion passed unanimously.
4. **Board updates** –
 - Paul Enger presented the memo “NHWSB notice rules – posting and notice requirements” and reviewed its parts. These rules were examined by the Certification/Training Workgroup and edits were recommended to Department of Labor and Industry staff members to rework and then the rules were brought to the full board. Enger explained the board is tasked with creating rules and the posting notices to inform nursing home workers of their rights. Subpart one covers the visible and

accessible posting of nursing home workers' rights at their place of employment: either (1) physically posted where they are not covered or altered; or (2) distributed in paper form or electronically via email. Subpart two covers the contents of the notices, as prescribed by the statute. The contents must include: the standards established by the board; anti-retaliation protections; information about civil action nursing home workers can take; how to contact the Department of Labor and Industry with complaints; information about the training nursing home workers must attend and that they be compensated for those training sessions; and that the notices be available in a language of the worker's choosing, upon request. There was discussion surrounding a couple points in the rules. It was suggested these rules not be voted on at this meeting because not all members were present. There will be a vote to approve these rules at the next full board meeting.

5. New business –

- Executive Director Leah Solo said she talked with Department of Human Services (DHS) staff members about the costing data for the proposals before the board. Because of the time of year, as well as the complexity of the proposals, DHS staff members would like about two weeks to process a costing request from the board. Due to this delay, Executive Director Solo suggested the board get its proposals in a more precise form before sending them to DHS for analysis. Costing data for the board's proposals will be available in about two weeks. The current proposals contemplate a Jan. 1, 2025 effective date, but because of the likelihood of the need to seek an appropriation, it is probable the earliest the standards could go into effect would be late summer or early fall 2025. The board should adjust its requests for costing data on proposals accordingly.
- Kim Brenne explained the cost report numbers that were requested at the March 14, 2024, Data Workgroup meeting. These numbers are total hours worked industry-wide as of March 25, 2024, per category listed. The board requested these numbers to determine the financial impact of each proposal.
- Commissioner Blissenbach moved for the board to recommend to the Department of Labor and Industry that it seeks to have the Legislature change the statutory rule deadline for initial standards in the Nursing Home Workforce Standards Board Act from Aug. 1, 2024, to Nov. 1, 2024. Armstrong and Michele Fredrickson both seconded the motion. Chair Gulley asked if there was any discussion. Paula Rocheleau asked about removing the expedited rules language and Commissioner Blissenbach clarified the expedited language is what allows the standards to move more quickly than usual. Rocheleau asked about a current change being proposed at the Legislature about the board's voting requirements and mentioned there should also be a change to require at least one employer-representative on the board to vote yes to have a motion pass. Commissioner Blissenbach clarified the voting change is a Department of Labor and Industry proposal, not a recommendation from the board. A roll call vote was taken on the motion to recommend to the Department of Labor and Industry to request the Legislature to change the statutory deadline for adoption of initial wage standards from Aug. 1, 2024, to Nov. 1, 2024. Five members voted in the affirmative, so the motion passed, with Rocheleau and Mary Swanson abstaining.
- The board discussed "Minimum standards option 2(a) and 2(b)," proposed by Gulley, along with Fredrickson and Armstrong, revising them to one wage increase annually instead of two wage increases annually, and clarifying the applicable wage levels. These changes were made to give DHS clarification for the cost analysis. It was also proposed that the effective dates for the holiday pay

portion of the proposal remain the same because the paid holidays alone may not need an appropriation.

- There was discussion and clarification about the funding connected upon the passage of the standards. Discussion clarified that nursing homes will see the funding reimbursement on the usual reimbursement timeline consistent with the Values Based Reimbursement system.
- A motion was made by Armstrong to cancel the April 5 and April 8, 2024, meetings because the cost analysis will not be completed by those dates, which was seconded by Brenne. A roll call vote was taken and the motion passed unanimously.

6. Next meeting – the next meeting is Thursday, April 11, 2024, at 11 a.m.

Adjournment

A motion was made by Rocheleau to adjourn the meeting at 11:29 a.m. and seconded by Brenne. A roll call vote was taken and the motion passed unanimously.