

Minutes: Nursing Home Workforce Standards Board

Date: Thursday, July 10, 2025

Minutes prepared by: Linnea Becerra

Location: Hybrid – Washington Room at the Department of Labor and Industry and via Webex

Attendance

Members present	Visitors present	DLI staff members present
Michelle Armstrong	Todd Bergstrom	Linnea Becerra
Kim Brenne	Maisie Blaine (remotely)	Paul Enger
Michele Fredrickson (remotely)	Brian Elliott	Ken McGurran
Jamie Gulley	Ben Hansen (remotely)	Josiah Moore
Maria King (remotely)	M (remotely)	Leah Solo
Katie Lundmark	Kayla Revier (remotely)	Krystle Conley (remotely)
Paula Rocheleau	Debbie Prokopf (remotely)	
Mary Swanson (remotely)	John Wilson	

Agenda items

- 1. Call to order** – The meeting was called to order by Chair Jamie Gulley at 11:08 a.m. 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 Paula Rocheleau. A roll call vote was taken and the motion passed unanimously.
- 3. Approval of drafted meeting minutes** – A motion to approve the June 12, 2025, drafted meeting minutes as presented was made by Armstrong and seconded by Rocheleau. A roll call vote was taken and the motion passed unanimously.
- 4. Board updates** –
 - Executive Director Leah Solo recognized the events of June 12 and noted that many members of the Nursing Home Workforce Standards Board worked with both Melissa Hortman and John Hoffman.
 - Solo began with the Certification/Training Workgroup update. Solo recapped the discussion from the workgroup and said she asked all board members for any additional feedback or questions at the most recent meeting and did not receive any responses. Solo recommended the board take a vote on the applications at this meeting to be in compliance with Minnesota Rules 5200.2040, subpart 1(A). Solo took the lead on the discussion as Chair Gulley has recused himself from discussions regarding AFL-CIO and SEIU HC MNIA.
 - The board discussed certified worker organization (CWO) applications, beginning with MN AFL-CIO. Rocheleau expressed dissatisfaction with some wording on the slides and asked how the board would know if the presentation was changed when presenting it to workers. Solo read the rules regarding CWOs and revoking of the organization's certification. It was explained that if the presentation that the CWO was using was no longer compliant, or no longer providing the training

as the board requires, then a complaint could be submitted to the executive director or the executive director's designee and an investigation would ensue. The executive director would then make a recommendation to the board about whether decertification should occur. Katie Lundmark asked about the process after receiving a complaint and what additional consequences would entail following a revocation. Solo said the board could make a process, but would need to be careful about not engaging in unpromulgated rulemaking.

- Gulley, in reference to the AFSCME application, pointed out the training sessions are interactive so each one will be slightly different. Armstrong pointed out there was feedback after the first meeting and the organization changed the slides with the edits provided. There was much discussion about the phrasing of slide number four and the implications some members felt were in the text. Gulley spoke to the facts provided in the AFSCME slide, which is very similar to the AFL-CIO slide. There was discussion about the role of the board in determining what is included in the CWOs' presentations and it was concluded the board could make a recommendation, but it is unclear what the enforcement would be.
- Paul Enger said neither statute nor rule require the board to establish a sample presentation, only a curriculum, and nothing in statute or rule would require the CWO to use the presentation created by the board. Enger explained Minnesota Statutes § 181.214, subdivision 1, states the board shall certify organizations it finds are qualified to provide training and a failure to certify such qualified organizations presents a legal risk. Enger also said that within 30 days of the board changing or updating a standard, the CWO would need to resubmit its materials to reflect the updates. Rocheleau made a motion to approve AFL-CIO as a certified worker organization, with a recommendation to include a reference to "all stakeholders" in the text of slide number four. The motion was seconded by Armstrong. A roll call vote was taken and the motion passed unanimously, with Gulley abstaining.
- The next CWO up for discussion was SEIU HC MNIA. A motion to approve SEIU HC MNIA as a certified worker organization, with a recommendation to include a reference to "all stakeholders" in the text of slide number four, was made by Rocheleau and seconded by Armstrong. A roll call vote was taken and the motion passed unanimously, with Gulley abstaining.
- The final CWO discussed was AFSCME Council 65. In the email between Solo and AFSCME Council 65, it stated it decided not to make all the same changes on slide number four as AFL-CIO and SEIU HC MNIA. Rocheleau made a motion to certify AFSCME Council 65 as a certified worker organization, with a recommendation to add "may" in the first paragraph and include a reference to "all stakeholders" in the last paragraph of slide number four. Armstrong seconded the motion. A roll call vote was taken and the motion passed unanimously.
- Rocheleau asked if the board would be monitoring the training sessions completed; Solo said the Certification/Training Workgroup can discuss this at its next meeting.
- Rocheleau updated the board about the most recent Data Workgroup meeting. The Data Workgroup heard a presentation from Todd Bergstrom and Jeff Bostic about the different parts of a cost report. Kim Brenne added that the board could collect data using the rate add-on application.
- Solo reported about the Public Hearing Workgroup. The workgroup decided on dates and places for the next round of public hearings. The board members are not expected to attend all the hearings and should email the executive director with their availability. These hearings will be two hours long,

from 5 to 7 p.m. A motion was made to approve the presented schedule by Mary Swanson and seconded by Lundmark. A roll call vote was taken and the motion passed unanimously.

- The Waivers and Variances Workgroup has not met since its most recent meeting, but is planning on meeting at the end of the month to discuss the waiver process now that one waiver has been evaluated.
- Solo asked that the board discuss the waiver that was submitted. Solo said the Waiver Review Workgroup would like the Waivers and Variances Workgroup to more fully define “risk of” in the “risk of closure” line. The workgroup agreed this facility was not at risk of receivership though and the parent company has already been talking about closing or selling the nursing home. Solo asked the applicant some follow-up questions and shared its responses. The applicant proposed a waiver for the remainder of the calendar year.
- Rocheleau asked if they were granted a waiver, would that be retroactive or for only the remainder of the year. Solo said the waiver would not be retroactive. Gulley said the applicant has six months of cash on hand, so the holiday pay should not be enough to risk closure or receivership. Rocheleau said that applying for the waiver is a risk. Rocheleau also said a clearer, more consistent way of analyzing the application would be helpful. Brenne said her surprise that the nursing home has no access to the investment income and that the applicant’s proposal to waive the holiday pay through the remainder of the year seems appropriate. Gulley asked if the applicant’s board could approve use of the investment income to fund the nursing home. There was discussion about nonprofit foundations and investments. Rocheleau made a motion to approve the waiver for this applicant through calendar-year 2025, letting the applicant know it can reapply after that; the motion was seconded by Lundmark. Discussion ensued and a roll call vote was taken. The motion passed with six votes in the affirmative and two votes in opposition.
- Gulley asked if once this waiver is approved, the information will be public, because the workers will need to know they are not getting holiday pay through the end of the year. Enger said that pursuant to Minn. Stat. § 181.215, regarding provision of notice, a nursing home is required to post notice of any locally applicable standards, which would include a waiver or variance in effect.
- There was a motion to refer defining “risk of” to the Waivers and Variances Workgroup by Rocheleau and was seconded by Armstrong. A roll call vote was taken and the motion passed unanimously.

5. New business –

6. Next meeting – The next meeting is at 11 a.m., Thursday, Sept. 11.

Adjournment

A motion was made by Brenne to adjourn the meeting at 12:48 p.m. and seconded by Armstrong. A roll call vote was taken and the motion passed unanimously.