

## Meeting minutes: Nursing Home Workforce Standards Board

Date: Monday April 15, 2024

Minutes prepared by: Linnea Becerra

Location: Hybrid – Minnesota Room (Department of Labor and Industry) and Webex

### Members present

Commissioner Nicole Blissenbach  
Chair Jaime Gulley  
Michelle Armstrong  
Kim Brenne  
Maria King  
Katie Lundmark (call in, then present at 2:48 p.m.)  
Paula Rocheleau  
Mary Swanson (remotely)

### Visitors present

Todd Bergstrom  
Jeff Bostic  
Brian Elliott  
Sherry H. (remotely)  
Casey Murphy (remotely)  
Toby (remotely)  
Ryan Usher (remotely)  
Rick Varco

### DLI staff members present

Ali Afsharjavan  
Linnea Becerra  
Paul Enger  
Leah Solo

## Agenda items

- 1. Call to order** – the meeting was called to order by Jamie Gulley at 2:36 p.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 Maria King and seconded by Michelle Armstrong. An item was presented for discussion; a roll call vote was taken and the motion passed unanimously.
- 3. Approval of drafted meeting minutes** – a motion to approve the April 11, 2024, drafted meeting minutes as presented was made by King and seconded by Armstrong. An item was presented for discussion; a roll call vote was taken and the motion passed unanimously.
- 4. Board updates** –
  - There was an update from the Office of General Counsel, presented by Ali Afsharjavan and Paul Enger. The Office of General Counsel said the board cannot create standards that are contingent on rate increases. A note to the Legislature to increase rates is possible, but there is no statutory provision to do so. There is a path to have holiday pay standards become effective Jan. 1, 2025, while minimum wage standards go into effect at a later date. This could be achieved by the board engaging in the rulemaking process twice. The board would first establish initial standards and begin the rulemaking process for those standards; it would then establish holiday pay standards and

initiate a separate rulemaking process. Anything that does not need an appropriation can go into effect Jan. 1, 2025. If there are two separate rules, the board could lump together all the rules that do not require an appropriation and then have a separate rule that would be contingent on appropriation and CMS approval. It was clarified the initial set of standards the board makes must include wages.

- The board looked at the employer principles and discussed the difficulties in editing them during full board meetings along with getting initial wage standards established. Nicole Blissenbach suggested a workgroup be established to revise and finalize the employer created principles. A motion to create this workgroup was made by Paula Rocheleau and seconded by Katie Lundmark. An item was presented for discussion; a roll call vote was taken and the motion passed unanimously. This new workgroup will include Blissenbach, King, Lundmark and Rocheleau.
- Armstrong spoke in favor of proposal 2(a) from her perspective as a nurse providing direct patient care. Rocheleau spoke in favor of one wage increase instead of two, to see the impact and benefit of those increased costs. Gulley spoke to the long process and how the board would be behind the actual wage increase needed in the industry. King clarified and restated the positions of both Rocheleau and Gulley; this led to Lundmark proposing a percentage increase in the second step, rather than a dollar amount, and asked where the final minimum-wage number came from. Gulley explained they used the personal care assistant (PCA) negotiated wage, as well as the Minneapolis minimum wage ramp-up structure. Commissioner Blissenbach brought up the nursing homes in Minneapolis that were required to meet the \$15 an hour minimum wage and were restricted by the delayed reimbursement structure.
- Executive Director Leah Solo walked through the “Data to use” section of the Nursing Home Workforce Standards Board (NHWSB) analyzing proposals guidance memo. Solo reviewed the statutory language column and pointed to documents linked in the “NHWSB research efforts” column. It was requested that Solo compile a document with all the relevant memos and explanations for the board to use moving forward; Solo said she would work on that.
- The board discussed the holiday pay sections of the two proposals currently on the table. There was conversation about having a preset list of holidays versus a set number of holidays that would vary at each site. There was clarity around the holiday pay being time-and-a-half on the worked holiday and not paid holidays off. Lundmark said she talked to many employees and workers who said they don’t want to change the holidays they currently have; and Rocheleau added that the state should aim to be more inclusive and not set which holidays are recognized.
- Proposals and amendments are encouraged to be submitted by April 22, 2024, so others have time to read and digest them before the April 29, 2024 meeting. Chair Gulley suggested the board vote on proposals at the April 29, 2024 meeting. The process was discussed and is as follows: members submit proposals to Solo; the proposals will be posted the next day on the Sharepoint site; and then the proposals will be discussed at the next meeting. Voting on an initial direction will happen April 29, then proposals will be sent to the Department of Human Services for another fiscal analysis. The Department of Labor and Industry staff members will then work with Office of General Counsel to draft the official rule and bring it back to the board for a final vote.

**5. New business –**

**6. Next meeting –** the next meeting is Monday, April 29, 2024, at 9 a.m.

## **Adjournment**

A motion was made by Commissioner Blissenbach to adjourn the meeting at 4:35 p.m. and was seconded by Rocheleau. A roll call vote was taken and the motion passed unanimously.