

## Minutes: Nursing Home Workforce Standards Board

Date: Thursday, June 12, 2025

Minutes prepared by: Linnea Becerra

Location: Hybrid – Minnesota 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
Commissioner Nicole Blissenbach		Paul Enger
Jamie Gulley (remotely)		Ken McGurran
Maria King		Leah Solo
Katie Lundmark (remotely)		
Paula Rocheleau (remotely)		
Mary Swanson		

### Agenda items

1. **Call to order** – the meeting was called to order by Chair Jamie Gulley at 11:04 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 Commissioner Nicole Blissenbach and seconded by Maria King. A roll call vote was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes** – a motion to approve the May 8, 2025, drafted meeting minutes as presented was made by Commissioner Blissenbach and seconded by King. A roll call vote was taken and the motion passed unanimously.
4. **Board updates** –
  - Executive Director Leah Solo updated the board about the legislative session, which concluded its special session. The update to the definitions was include in the Omnibus Jobs and Labor bill, which will go into effect July 1. The appropriation needed to fund the wage rules was included in the Human Services Finance Bill. There is also an application for an upfront rate increase that is now included in statute. The next step for the minimum wages to go into effect in January 2026 is federal approval through Centers for Medicaid and Medicare Services (CMS) and that will likely take six months. Katie Lundmark asked what type of involvement would be needed from the board to obtain federal approval and Solo responded that it goes with the Departmen to Human Services’ usual work with CMS, so minimal involvement from the board will be required.
  - Executive Director Solo walked through the waiver application the board received June 5. Staff members at DLI redacted all identifying information and shared the draft with the workgroup ahead of the weekend. The workgroup met the following Monday and members expressed they found it difficult to digest all of the information during the weekend. The group decided to ask some follow-

up questions to the applicant, which they replied to promptly. Solo reviewed the questions asked of the facility, as well as their responses. The facility also included information about its paid time off (PTO) policy in the supplemental documents. The workgroup did not take action on or make a recommendation about this application and decided to bring it to the full board for discussion. Gulley began the conversation by saying this type of facility was a surprise to receive as the first application, because they are a consolidated entity and because of its relation to the holiday pay rules. Gulley asked about the interaction between the upfront payments facilities can request and the effect that has on their application for a waiver or variance from the board. Lundmark highlighted the complexity of reviewing a hospital attached nursing home application and suggested the waiver and variance process workgroup look at the application for that type of situation. Commissioner Blissenbach asked King how the Department of Health (DHS) would look at a facility like this in terms of receivership. King said that because the facility is able to meet its responsibilities (it is able to convert something to cash), it would not be considered at risk of receivership. Gulley brought up that in the supplemental materials submitted by the applicant, the cost of these holiday pay standards for the year is about \$80,000, while it has in excess of that in its accounts as well as over 160 days cash on hand. The facility also stated it was previously considering closing the nursing home, even before these standards went into effect. Lundmark said the hospital might be keeping the nursing home afloat. Paula Rocheleau said the applicant is asking for a waiver for a two-year period. The board discussed what the dollar amount would be to show a facility is at its tipping point and is at risk of closure, resulting in no firm answer. Commissioner Blissenbach noted that because it is already halfway through 2025, the cost will now be closer to \$40,000 to the facility to implement holiday pay. The workgroup agreed that hearing Kim Brenne's perspective is critical and, because the board has 45 days to respond to the applicant, the workgroup will meet again to discuss and then bring another report to the board in July. Gulley said this is not uncommon for nursing homes to be spun off. Blissenbach asked Solo to look into adding an attestation of some sort moving forward.

- Solo brought up a staff recommendation to edit the Waiver Review Workgroup meeting schedule. It was discussed and decided the deadline would be moved to the Monday before the first Thursday of the month, giving staff members and the workgroup one week to redact, post and review documents before meeting on the Thursday before the full board meeting. Rocheleau made a motion to move the Waiver Review Workgroup schedule to the following times: applications will be due the Monday before the first Thursday of the month at 3 p.m. and the workgroup will meet the first Thursday of the month at 11 a.m. King seconded the motion. A roll call vote was taken and the motion passed unanimously.
- Executive Director Solo reviewed the supplemental materials submitted by the worker organizations to the board for certification.
  - The first application that was revisited was the AFL-CIO. It submitted materials with the Minnesota Training Partnership (MTP) so the board asked for clarification about who exactly would be conducting the training. The supplemental materials provided a contract between the two entities and showed MTP will be acting as a subcontractor. The applicant also resubmitted its training material – deleting slide 25 about the standards being fully funded and editing the slide about the condition in nursing homes. Solo also read through the email exchange between herself and Ms. Prokopf with answers to the board's questions. Gulley reminded the board he is

recusing himself from this discussion. Mary Swanson asked if AFL-CIO would be training only their members or any worker. It was clarified all workers who fall under the statute need to be trained by a certified worker organization (CWO), not only the CWO that represents them in their union. Lundmark said she wanted to know about the applicant's arrangement meeting state requirements for grant requirements. Solo explained that since no money is exchanging hands, there is no need for a conversation about grant requirements. Solo reviewed the statute governing the CWO certification and Paul Enger, Office of General Counsel, restated the rules adopted by the board governing CWOs. Enger said there is nothing in rules or statute that governs or prohibits a CWO from contracting out their training to a different organization as long as the board approves it. Rocheleau asked if the administration would see the materials and agenda in advance of the training. Solo responded there is nothing stating a CWO must do that. Enger said if the board felt the CWO was acting inappropriately, it could look into Minnesota Rules 5200.2040, where the board may revoke a CWO's certification. Solo asked if there were any follow-up questions for AFL-CIO, none were raised.

- Solo reviewed the questions the board had for SEIU HC MN-IA. Gulley reminded the board he is also recusing himself from this discussion. SEIU deleted its training material slide 25 about the standards being fully funded and edited the slide about the feelings of nursing home workers. Solo requested SEIU send its follow-up materials, which it did. SEIU also clarified it will only be training its members. Swanson asked why one of the follow-up sheets had a sign-up form. Solo responded that SEIU stated one follow-up sheet is for people who are already members and one is for people who are part of the union, but not a dues-paying member. Lundmark said only unions can be CWOs; Enger interjected that an organization must meet the requirements and then can be approved as a CWO. Lundmark clarified there seems to be a lot of people to train and only two trainers. She said she is worried about the amount of people needing to be trained and the limited number of CWOs. Solo asked if there were any follow-up questions for SEIU HB MN-IA, none were raised.
- Solo walked through an application from AFSCME Council 65. The organization is a 501c5, it agreed to the data policies, it cited representing nursing home workers since the 1950s and LPNs since 2001, and has evidence of having advocacy for nursing home workers. The board of directors members are all union members, so not dominated by employers. AFSCME Council 65 included its presentation, which closely resembled the sample the Nursing Home Workforce Standards Board published online, as well as follow-up materials and a "know your rights" card. It agreed to the statements of agreement and the acknowledgement was signed. Solo followed up with questions similar to the other two organizations and it deleted its slide about funding and the minimums, and edited its schedule. Solo asked for follow-up questions, none were raised. Solo said there were not enough people present to take a vote.
- Solo updated the group about the Public Hearing Workgroup. The group has chosen locations for the next round of public hearings, which are: Albert Lea, Detroit Lakes, St. Cloud, St. Paul and Windom, Minnesota. The time frame is mid-October to mid-November. Not all board members need to be in attendance, staff members just need to know ahead of time to notice the meeting appropriately.

**5. New business –**

**6. Next meeting –** the next meeting is Thursday, July 10, at 11 a.m., in the Washington Room.

## **Adjournment**

A motion was made by King to adjourn the meeting at 12:35 p.m. and seconded by Michelle Armstrong. A roll call vote was taken and the motion passed unanimously.