

## Meeting minutes: Nursing Home Workforce Standards Board

Date: Thursday, June 13, 2024

Minutes prepared by: Linnea Becerra

Location: Minnesota Room, DLI, 443 Lafayette Road N., St. Paul, MN, 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

### Visitors present

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

### DLI staff members present

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

### 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 and seconded by Commissioner Nicole Blissenbach. 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 May 9, 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** –
  - Executive Director Leah Solo reviewed the calendar and coming work office memorandum. This memo notes important next steps, topics and rules, as well as timelines for the next 12 months.

There was no discussion about the calendar, but the board members expressed gratitude for this high-level overview.

- There was an update about the work the Certification/Training Workgroup has done. Commissioner Blissenbach talked about the meetings, reviewing the role of the board, the role of the certified organizations in making curriculum and the board's role in approving any curriculum 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 not less. Commissioner Blissenbach also said the Certification/Training Workgroup is recommending a specific Waivers and Variances Workgroup and formally asked Maria King and Kim Brenne to serve on it. Gulley and Katie Lundmark will be the other two members who will join the Waivers and Variances Workgroup. There was a motion by Commissioner Blissenbach to establish a Waivers and Variances Workgroup and it was seconded by Paula Rocheleau. A roll call vote was taken and the vote carried.
- The Certification/Training Workgroup also passed the process for certifying workers have been trained by a certified worker organization and brought the final version to the board for a final vote. Chair Gulley asked the board members 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 future meeting.
- Lundmark updated the group about the Principles Workgroup. She said the workgroup worked collaboratively to create the presented draft. Brenne presented two edits in the final bullet-point of the principles document: changing "will" to "may"; and changing "are" to "may be." There was a motion by Commissioner Blissenbach to adopt the draft principles with the changes made and it was seconded by Lundmark. The item was presented for discussion. A roll call vote was taken and the motion carried.
- Executive Director Solo reported on behalf of the Public Engagement Workgroup. The workgroup notes there should be public engagement around implementing the rules. The workgroup also proposed a public hearing date, Sept. 19, 2024, at 6 p.m. in the Minnesota Room at the Department of Labor and Industry (DLI). There was discussion about the date and time. King made a motion to approve Sept. 19, 2024, as the scheduled date for the public engagement event. A roll call vote was taken and the motion carried.
- Paul Enger, DLI Office of General Counsel, reviewed the Nursing Home Workforce Standards Board's 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. King asked about clarifying the definition of nursing assistant (144A.61) versus the certified nursing assistant (CNA) definition as defined in the Nursing Home Workforce Standards Board rules. Brenne said the Department of Human Services uses CNA in the cost reports. Commissioner Blissenbach said the Labor Standards Division would look at the definition in the proposed rules and if there is enough clarity to enforce them. A decision was made to leave the revised rules as they came. There was a motion by Michele Fredrickson to vote on the rules returned by the revisor and it was seconded by Armstrong. A roll call vote 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 said the definition of "nursing home" in the statute 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 that are on 256R are also on 144A, but not all on 144A are on 256R. The major differences are the Veterans Administration, 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 said this was an update and not an answer, and the research into this issue would continue.

5. **New business** – Executive Director Solo updated the board about the new bylaws. There are two major updates. The first update is beginning Aug. 1 there will have to be two people who are commissioners or commissioner’s designees voting affirmatively on something for it to pass. The second update is the date to pass the initial wage standards is by Nov. 1, 2024. Executive Director Solo recommended the bylaws be voted on at the meeting in August.
6. **Next meeting** – the next meeting is Thursday, July 18, 2024, at 11 a.m. in the **DLI Washington Room**.

## Adjournment

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