

Minutes: Nursing Home Workforce Standards Board

Date: Thursday, Dec. 5, 2024

Minutes prepared by: Linnea Becerra

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

Attendance

Members present

Commissioner Nicole Blissenbach

Jamie Gulley

Michelle Armstrong

Kim Brenne (remotely)

Michele Fredrickson (remotely)

Maria King (remotely)

Katie Lundmark (remotely)

Paula Rocheleau (remotely)

Mary Swanson (remotely)

Visitors present

Todd Bergstrom

Jeff Bostic

Laurie Couch (remotely)

Geoff Dittberner (remotely)

Brian Elliott (remotely)

Ben Hansen (remotely)

Casey Murphy (remotely)

Blois Olson (remotely)

Toby Pearson (remotely)

Kayla Reveir (remotely)

Kyle (remotely)

Call-in user (502277****) (remotely)

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 4:03 p.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 Commissioner Nicole Blissenbach. A roll call vote was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes** – a motion to approve the Nov. 14, 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 updated the board about the happenings of the day: multiple workgroup meetings earlier in the day and staff members tried to update items between those workgroup meetings and the full board meeting. Updated documents are on SharePoint site and available printed in the room. The annual report was submitted to chairs and minority leads from the committees overseeing labor and human services, the only edit being the cost to prepare the report.
 - Solo said the rules did not receive a veto by the governor’s office and were submitted before noon to the *State Register* on Dec. 3, so will be in the Dec. 9 publication.
 - Solo presented an update about the Waivers and Variances Workgroup regarding the obligation it feels that the board must have a process before the rules go into effect Jan. 1. Solo described the process for applying and evaluating the waiver applications and the timeline for the coming months, especially for facilities looking for a decision before the end of the year. Solo explained the application, the different sections and the coordinated worksheet. Solo highlighted that the timeline for this year is different from years moving forward to account for the implementation timeline. Additionally, Solo highlighted the intention with the data would not be to publicize the applications widely, but it is subject to public data requests. Applications that are received will first pass through staff members who will redact identifying information, then move to the waiver review workgroup. The workgroup will then make a determination and pass it to the full board for review and approval. Paula Rocheleau asked if there was a criteria checklist that would be used to make the determinations and the response was that the groups will use the evaluation criteria outlined in the memo, as well as looking at the whole picture and determining on a case-by-case basis. Michele Fredrickson asked about the length the granted application would last and Solo responded it would be temporary and last only for as long as it was applied for and approved; Gulley added that the facility can specify its exact need and ask in order to come into compliance. Maria King made a motion to adopt the process and application and the motion was seconded by Armstrong. The item was presented for discussion. A motion for a five-minute recess was made by Katie Lundmark and seconded by Rocheleau. A roll call vote was taken, the motion passed unanimously and the recess began. The board reconvened at 4:40 p.m. A roll call vote was taken to approve the initial motion to adopt the process and application and the motion was approved unanimously. The board members discussed the need to create a formal committee to review applications for waivers and variances. A motion was made by Rocheleau to create a new committee to evaluate waivers and variances, seconded by Commissioner Blissenbach. A roll call vote was taken and the motion passed unanimously. Commissioner Blissenbach moved to appoint Gulley, Rocheleau and Kim Brenne to the newly formed committee, seconded by Armstrong. The motion passed unanimously.
 - Solo updated the board about the Public Hearing Workgroup and the change from a live webinar for employers to a prerecorded webinar, due to pending litigation. The workgroup updated the

presentation that will be used to do the webinar. The prerecorded webinar will be posted in the coming week.

- Solo said the Data Workgroup and the Certification/Training Workgroup will be meeting Dec 16. There was no other discussion.

5. New business –

- Executive Director Solo reviewed the posting template. There was a motion to approve the notice as presented, but with updates to the Labor Standards Division contact information by Commissioner Blissenbach, and was seconded by King. A roll call vote was taken and the motion passed unanimously.
- Lundmark presented the minority report that was drafted by her, Rocheleau and Mary Swanson. Lundmark said she intended for the report to be included in the annual report that was submitted to the Legislature, but that Executive Director Solo declined to do so. Solo said the statute does not provide for a minority report and Lundmark clarified that, while it was not required, it was also not prohibited. Lundmark said the report details concerns the board needs to continue to address and concerns that affect employees in nursing homes, as well as employers operating nursing homes. Rocheleau and Swanson said Lundmark described the report accurately and Rocheleau said her concern was with the rulemaking and how the group was set up, and less with the group itself. Swanson noted the employers want to be conscious and aware of the impact this board's decisions will have on the industry, community and state. A motion was made by Lundmark to submit the minority report as a supplemental attachment to the legislative report that was already submitted by Executive Director Solo and the motion was seconded by Swanson. Commissioner Blissenbach reminded the board what the statutory language is regarding the annual report and that the report already submitted was factual and met that obligation. Gulley added his concern for submitting this report to the Legislature and pointed out advocacy and lobbying should be done separately from the board. A roll call vote was taken on the motion and the vote failed, with three votes in the affirmative and six opposing.

6. Next meeting – the next meeting is Thursday, Dec. 12, at 11 a.m.

Adjournment

A motion was made by Armstrong to adjourn the meeting at 5:12 p.m. and seconded by Commissioner Blissenbach. A roll call vote was taken and the motion passed unanimously.