

March 13, 2020

The Honorable Mike DeWine  
Governor  
Ohio Statehouse  
Columbus, Ohio 43215

Dear Governor DeWine,

As you know, Ohio's long-term services and supports providers are on the front lines of the effort to prevent the spread of COVID-19 and to protect the vulnerable Ohioans that they serve. On behalf of all Ohio Health Care Association members, which include assisted living communities, home care and hospice agencies, agencies serving people with intellectual and developmental disabilities, and skilled nursing centers, we appreciate the intensive focus and aggressive actions that you, Lieutenant Governor Husted, Director Acton, and others in your Administration are taking to address this crisis.

As our members continue serving as your partners in doing all we can to keep Ohioans safe and healthy in this crisis, we respectfully ask for your help on an emergency basis to address another crisis: our members' ability to continue providing the highest quality care to our frail, elderly, and disabled citizens despite the incredible stress of the COVID-19 onslaught. We are particularly concerned about the impact of the school closure order on our members' workforce, which includes a disproportionate number of parents with school-aged children. These individuals cannot work from home – they are delivering hands-on care. We understand the need for the school closure order, but we respectfully ask your consideration of the following actions on a short-term, emergency basis to help our members and all long-term services and supports providers deal with the consequences.

Each of these items would require action under your emergency declaration, such as an additional emergency order, to take effect as quickly as possible. They all are temporary and would be subject to adjustment or supplementation as the situation unfolds over time.

Direct workforce assistance

1. Waive for 90 days the applicable training and testing requirements for direct-care staff (as an example, the requirement to be a state-tested nurse aide (STNA) to perform

direct-care tasks in a SNF) for working-age people under direct supervision of a licensed or certified professional, subject to existing background check requirements. Examples of potentially eligible workers under this temporary waiver include college and high school students who are out of school, nursing students, physical and occupational therapy assistant students, and STNAs whose approval has expired. The waiver would apply to the specific prerequisites to provide direct care in all long-term services and supports settings.

2. Waive for six months continuing education and other license renewal requirements for licensed health professionals such as nurses and nursing home administrators. This is needed because of the ban on gatherings, which includes continuing education programs.
3. Waive for 90 days Ohio licensing requirements for health professionals licensed in other states (that is, provide temporary reciprocity).
4. Prohibit quarantining asymptomatic health care personnel who are exposed to a person under investigation who has not tested positive for COVID-19. Centers for Disease Control and Prevention (CDC) guidelines only require quarantine for asymptomatic health care workers exposed to a confirmed COVID-19 case. Given the shortage of testing supplies and our members' desperate need for workers, Ohio's state and local health authorities should not go beyond the CDC guidelines.
5. Temporarily – for 90 days – waive day-care licensing requirements to allow care for children of health care workers (such as by off-work teachers) at a site arranged by their employer.
6. For 90 days, provide child-care vouchers for any health care worker.
7. Offer public service announcements featuring you and Dr. Acton asking people who are off school, etc., to work in long-term services and supports.

#### Funding and regulatory assistance

1. For 90 days, override existing Medicaid reimbursement provisions to address immediately the increased costs to providers of the workforce consequences of school closure, the shortage of personal protective equipment, and other temporary cost

drivers. This would involve a temporary, 90-day, emergency add-on of 25% to each provider's current rate, followed by a special cost report showing added costs for the 90-day period, with a subsequent settlement based on actual cost. For provider types that normally do not file cost reports (e.g., waiver services), providers could choose between the 25% emergency add-on with cost reporting or a smaller, 15% emergency add-on for the 90 days.

2. Mandate that, for the 90-day period, Medicaid managed care organizations pay the same rates as determined under paragraph 1.
3. To minimize potential for introducing infection, immediately freeze all licensure and certification surveys/inspections and ombudsman site visits except for complaints alleging immediate jeopardy, abuse, or serious harm. The freeze would include routine annual or other periodic surveys as well as ombudsman visits for general oversight/review.
4. Temporarily waive any minimum staffing rules that are in place for long-term services and supports providers.

We thank you for your consideration of this request. I and other OHCA representatives would be happy to discuss these ideas at a moment's notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Van Runkle". The signature is fluid and cursive, with the first name "Peter" being more prominent.

Peter Van Runkle  
Executive Director

Cc: Lieutenant Governor Jon Husted  
Dr. Amy Acton, Director of Health  
Eliav Sharvit, CEO, Legacy Health Services  
David Parker, President, HCR ManorCare