



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2021-15

Nursing Home Workforce Stabilization Council

Executive Office of the Governor

The COVID-19 pandemic poses a particularly dire threat to the health and safety of both residents and employees of nursing homes. Throughout the COVID-19 pandemic, the state of Michigan has prioritized action that protects the most vulnerable Michiganders. To provide essential protections to both residents and staff in long-term care facilities, my administration implemented a variety of strategies in the areas of infection control, diagnostic testing, vaccination, data collection and reporting, and emergency staffing response. Health care professionals have administered the highly effective vaccine to 44,000 current nursing home, adult foster care, and homes-for-the-aged residents who are fully vaccinated and have provided 19,500 residents with booster doses. The state has also supported distribution of nearly 1.6 million tests to reduce the spread of COVID-19 in long-term care facilities.

The COVID-19 pandemic also exposed gaps in our healthcare system that have existed for years and exacerbated staffing shortages through Michigan's nursing home industry. The Michigan Nursing Homes COVID-19 Preparedness Task Force created by Executive Order 2020-135 recognized the critical role of adequate staffing in long-term care facilities and identified staffing challenges as a priority area for future focus. The Nursing Home Workforce Stabilization Council will build off the work of the task force and focus on policies and recommendations aimed to attract talent and build a sustainable workforce in long-term care facilities. Michigan must work towards building a strong system of long-term care that protects nursing home residents, provides quality jobs, and advances racial and gender equity.

The nursing home industry sits within a complicated regulatory framework and is governed by multiple entities across state and federal government, including the federal Centers for Medicare and Medicaid Services (CMS), which ensures providers are eligible for Medicaid and Medicare reimbursement. Within state government, multiple departments touch the

nursing home industry, which is regulated by the Department of Licensing and Regulatory Affairs, with funding administered through the Department of Health and Human Services, workforce development information available through the department of Labor and Economic Opportunity, and oversight by the State Long Term Care Ombudsman. The formation of an advisory council, consisting of employees, employers, state government officials, nursing home residents, and the public will provide valuable guidance and recommendations, informed by an understanding of this complicated framework, to ensure Michigan has the tools to support quality care and workforce stabilization in nursing homes across the state.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Nursing Home Workforce Stabilization Council

- (a) The Nursing Home Workforce Stabilization Council ("Council") is created as an advisory body within the Department of Health and Human Services ("Department").
- (b) The Council must include the following representatives of the executive branch of state government, who must take all appropriate action to support the goals of this order:
 - (1) The director of the Department, or the director's designated representative from within the Department.
 - (2) The director of the Department of Labor and Economic Opportunity, or the director's designated representative from within that department.
 - (3) The director of the Department of Licensing and Regulatory Affairs, or the director's designated representative from within that department.
 - (4) The Michigan State Long Term Care Ombudsman, or the ombudsman's designated representative from within that program.
- (c) The Council must include the following members appointed by the governor:
 - (1) Five representatives of the nursing home workforce.
 - (2) Five representatives of nursing home employers, including:
 - (A) At least one representative of a not-for-profit nursing home employer;
 - (B) At least one representative of a for-profit nursing home employer; and

- (C) At least one representative of a nursing home administered by a county government.
- (3) Three representatives of nursing home residents, which may include family members and other representatives of residents.

2. Charge to the Council

- (a) The Council must act in an advisory capacity to the governor and the director of the Department.
- (b) The Council must review, develop, and recommend policies, administrative actions, legislative changes, and other approaches to support nursing home quality care. The following objectives must guide the Council's recommendations:
 - (1) Increase staffing levels across the industry, with particular focus on recruitment and retention;
 - (2) Support workforce development and stabilization;
 - (3) Develop career pathways, including credential attainment, and increase the professionalization of the workforce;
 - (4) Address barriers to entry and retention in the field;
 - (5) Prioritize jobs that provide living wages and benefits;
 - (6) Advance diversity, equity, and inclusion in the workforce;
 - (7) Ensure the sustainability of quality care; and
 - (8) Promote transparency and accountability within the industry.
- (c) Provide other information or advice or take other actions as requested by the governor.
- (d) The Council must submit a final report or consensus recommendations to the governor by or before December 1, 2023.
- (e) The Council will dissolve on December 1, 2023, or such other time as the governor directs through an amendment to this order.

3. Operations of the Council

- (a) The Department must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the director of the Department.

- (b) The director of the Department, or their designee, will serve as the chair of the Council.
- (c) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.
- (d) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.
- (e) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (f) A majority of the members of the Council constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its serving members.
- (g) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities, including other members of the public as deemed necessary by the Council, to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (h) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts to perform its duties, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education.
- (i) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (j) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (k) Members of the Council must refer all legal, legislative, and media contacts to the Department.

4. Implementation

- (a) All departments, committees, commissioners, or officers of this state must give to the Council any necessary assistance required by the Council in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

- (b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (d) If any portion of this order is found to be unenforceable, the unenforceable provision will be disregarded and the rest of the order will remain in effect as issued.
- (e) Executive Order 2021-4 is amended to delete the phrase "December 31, 2021" in section 5(e) and replace it with "December 31, 2022."
- (f) Executive Order 2019-9, section 3(d), is rescinded.
- (g) This order is effective upon filing.

Given under my hand and the great seal of the State of Michigan.



Date: December 14, 2021

Time: 10:45 a.m.

GRETCHEN WHITMER
GOVERNOR

By the Governor:



JOCYLYN BENSON
SECRETARY OF STATE



FILED WITH SECRETARY OF STATE
ON 12/14/2021 AT 11:38 am