

# OPRA FRIDAY 5

News, Resources and Events for OPRA Members

JANUARY 14, 2022

**OSHA Mandate:** Yesterday we saw the US Supreme Court issue a stay on enforcement of the OSHA Vaccination & Testing ETS. This means OSHA can not enforce the rule as the rule continues through the court system until a final determination on its legality is made. The Supreme Court felt that if the case was to make it through the entire judicial system, the rule would be found to be outside of OSHA's authority. OSHA put out a statement yesterday expressing disappointment and vowed to continue to work on protecting workers from Covid through already existing regulatory measure such as the general duty clause of the OSHA act that says employers "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees".

[Read the Supreme Court's brief here.](#)

[Read OSHA's response here.](#)

**CMS Mandate:** Yesterday the Supreme Court also lifted the two injunctions blocking the CMS mandate, allowing the rule to go forward nationwide. In issuing it's opinion, the court concluded that CMS has the authority and acted within that authority when it issued the rule. And although the court agreed that this rule goes further than any other rule CMS has issued, they stated CMS is justified in issuing the rule based on two reasons: the first being that CMS has never before had to address a problem like COVID in terms of scope before and two, the court said that many states already have in place flu vaccine mandates for healthcare facilities. Finally, the court stated that CMS had good cause to delay issuing notice and comment on the rule. This ruling does not take into account the merits of the rule. There will most likely be more legal challenges moving forward.

**On December 28th, CMS released their QSO** which provided more information regarding timelines and what facilities would need to do to be in compliance with the IFR. They stated that by January 27th, providers must require that 100% of covered staff receive their first dose of a Covid vaccine, with the exception being those with a pending exemption request and those whose vaccination was delayed as per CDC recommendations. CMS has stated that if a facility can show it has more than 80% staff vaccination by January 27th and a plan to achieve 100% vaccination within 60 days, it will be exempted from enforcement actions. Also by January 27th, facilities must enact policies and procedures to comply with the CMS Rule. Then, by February 28th, providers must ensure that 100% of covered staff are fully vaccinated, except those granted an exemption request and those having a temporary delay in getting the vaccination. A facility with more than 90% vaccination rate and play to achieve 100% within 30 days will be exempted from enforcement actions. As always, please reach out to Rachel or Christine if you have any questions. [Click here to read the Supreme Court decision.](#)

**ARPA:** Following [last week's stakeholder webinar](#), the Ohio Department of Medicaid applied for CMS approval, through Appendix K and 1135 waivers, to release the ARPA relief funds approved and allocated through HB169. Payments for both HCBS and ICF providers will also need emergency rules implemented for the state to have the full authority to issue these payments. [Click here to read](#)

**DODD's announcement of the pending relief payments.**

[Click here to see the grid outlining the different relief payments.](#)



# In Case You Missed It...

Additional Updates From The OPRA Team and System Partners

**Memo Monday:** This week's roundup of DODD communications included the ARPA payment announcement, ICF cost reporting information, OISP updates, and new forms for licensed facilities and ICFs for renovation and over-capacity requests. [Click here to read!](#)

**OSOC:** This week the [Department released their training video on the revamped OSOC tool](#). If you remember, DODD with the help of a work group that included OPRA, OACB, OHCA, and The Arc created an electronic version of the tool in an effort to facilitate the process and make information more readily available. A training video for providers and SSA's is now uploaded to the department's website and can be accessed here. Providers and SSA's should continue to utilize the team process in their discussions as to whether OSOC services are appropriate. DODD will also be hosting a Live Chat regarding the tool on January 27, 2022 at 1pm. You can register online for the live chat.

**PRF Phase 2 Reporting:** HRSA announced that the reporting period for PRF Phase 2 is now open and will be until March 31, 2022. Phase 2 includes "Providers who received one or more General and/or Targeted PRF payments exceeding \$10,000, in the aggregate, from July 1, 2020 to December 31, 2020 must report on their use of funds in Reporting Period 2." [Click here for more information.](#)

**SYWE:** "Opportunities for Ohioans with Disabilities (OOD) offers Summer Youth Work Experience services as a cornerstone for career and personal development for youth with disabilities each year. Because of the incredible response we received to the Summer Youth Work Experiences: Provider Training is being provided in an on-demand video format to allow providers to watch the training at their convenience. The on-demand training consists of five short modules, with most modules averaging less than 30 minutes. The training is available beginning January 14, 2022. At least one person from each provider agency that plans to organize Summer Youth Services and is approved in the Provider Management Program (PMP) must view the training and complete the acknowledgment in Ohio Learn. To view these training modules, you will need to log into OHID and launch Ohio Learn." [After viewing the training, please submit questions here.](#) On January 24, 2022. Questions will be answered during [an optional live Q&A session via Microsoft Teams on January 28 at 10:00 a.m.](#)

## Upcoming Events

[1/18: OPRA Marketing & Communications Committee](#)

[1/12: HIPAA Winter Training Series PART II: Organize Compliance through an Annual Work Plan \(see flyer on last page\).](#)

## News and Resources

["Coronavirus in Ohio Thursday update: More than 19,000 new cases reported"](#)

["WATCH: Ohio Department of Health gives update on COVID-19 Thursday"](#)

["Rolling Stone: Disabled Americans Feel Abandoned by CDC. Now, CDC Is Desperate to Make Amends"](#)

["Dublin woman, a self-advocate, named to county board of developmental disabilities"](#)



# OPRA FRIDAY FIVE

## News, Resources and Events for OPRA Members

JANUARY 14, 2022

Please find this week's report. We are deeply grateful for your ongoing commitment during these challenging times. Our number of positive cases, hospitalizations and deaths continue to rise similar to the case increases seen across the state. The Omicron variant is extremely contagious and our focus on vaccines, boosters, social distancing and masking up must continue as we work through this difficult time.

Please feel free to let us know if you have any questions. Thank you.

### COVID-19 Testing Results for Reportable MUIs-January 13, 2022

| Negative | Pending | Positive | Total |
|----------|---------|----------|-------|
| 1,082    | 1       | 1,467    | 2,550 |

- 1,467 people served have tested positive for COVID-19 and been hospitalized. There were **40 additional positives** since the 1/6 report.
- There were **41 additional hospitalizations** since the 1/6 report. This is a total of 2,409 people hospitalized and tested for COVID-19.
- A total of 2,550 COVID-19 reportable MUIs have been filed as 141 individuals were never hospitalized but COVID-19 was suspected or later determined as their cause of death.
- 313 people served have passed away who have tested positive for COVID-19. There were **6 additional confirmed deaths** since the 1/6 report.

### Impacted Counties/Developmental Centers:

- There are 86 counties and 8 developmental centers with COVID related MUIs (CADC, CDC, GDC, TDC, MVDC, SODC, WDC and NODC).
- Franklin had the most people hospitalized and tested with 259 followed by Cuyahoga with 251.
- Cuyahoga had the most people tested positive with 154 and Franklin had 136.

### Testing Demographics:

- Males accounted for 59.40% of those tested and females 40.60%.
- Ages of people tested ranged from 1 to 95 years. The average age was 54 years. The most common ages are 62.
- The breakdown of people tested by race is:
  - Black or African American-14% (56% positive testing rate)
  - Other Race -2% (56% positive testing rate)
  - Unknown-5% (52% positive testing rate)
  - White/Caucasian 79% (56% positive testing rate)

### COVID-19 Deaths:

- The mortality rate of those passing from COVID-19 (313) and the total people served (98,956) is 0.316%.
- The ages of those who died range from 4-95 years of age.
- The average age of the person who died was 60 years old.
- A total of 67 counties and 3 DCs (CDC, NODC, TDC) have reported COVID-19 deaths.
- Franklin has the most confirmed COVID deaths with 25.

### COVID Related Deaths:

| County or DCs with COVID Deaths |    |           |    |            |    |             |     |
|---------------------------------|----|-----------|----|------------|----|-------------|-----|
| Adams                           | 2  | Fulton    | 2  | Mahoning   | 7  | Scioto      | 2   |
| Allen                           | 5  | Gallia    | 3  | Marion     | 1  | Seneca      | 1   |
| Ashtabula                       | 3  | Geauga    | 1  | Medina     | 1  | Stark       | 19  |
| Athens                          | 2  | Greene    | 2  | Meigs      | 1  | Summit      | 14  |
| Belmont                         | 1  | Hamilton  | 14 | Miami      | 4  | TDC         | 1   |
| Brown                           | 1  | Hancock   | 4  | Montgomery | 12 | Trumbull    | 8   |
| Butler                          | 7  | Hardin    | 1  | Morgan     | 1  | Tuscarawas  | 6   |
| Carroll                         | 1  | Henry     | 1  | Morrow     | 2  | Vinton      | 1   |
| CDC                             | 2  | Highland  | 2  | Muskingum  | 1  | Warren      | 6   |
| Champaign                       | 1  | Holmes    | 2  | NODC       | 4  | Wayne       | 4   |
| Clark                           | 6  | Huron     | 1  | Ottawa     | 10 | Williams    | 1   |
| Clermont                        | 5  | Jefferson | 2  | Perry      | 4  | Wood        | 4   |
| Clinton                         | 1  | Knox      | 2  | Pickaway   | 2  | Wyandot     | 2   |
| Coshocton                       | 7  | Lake      | 7  | Pike       | 1  | Grand Total | 313 |
| Cuyahoga                        | 18 | Lawrence  | 2  | Portage    | 1  |             |     |
| Darke                           | 2  | Licking   | 8  | Preble     | 3  |             |     |
| Delaware                        | 4  | Logan     | 1  | Richland   | 7  |             |     |
| Fairfield                       | 3  | Lorain    | 4  | Ross       | 1  |             |     |
| Franklin                        | 25 | Lucas     | 20 | Sandusky   | 6  |             |     |

The Department provides this weekly MUI updates based on COVID-19 related unanticipated hospitalizations and/or deaths entered into the Incident Tracking System. This data is not all inclusive. It does not include information about people who were suspected of having COVID-19 but not hospitalized, those who tested positive but were not hospitalized, people living with their families who were hospitalized when there was no provider present at time of hospitalization and COVID tested. For additional information and guidance, please visit [DODD COVID-19 Resources](#). Thank you.



# OPRA FRIDAY FIVE

News, Resources and Events for OPRA Members

JANUARY 7, 2022



## HIPAA

# ONLINE TRAINING

**January 12, 19, 26**

1 pm to 2 pm

**HIPAA WINTER TRAINING**

**THREE PART WORKSHOP**

**Members: \$50**

**Non Members: \$100**

## REGISTER TODAY!

[WWW.OPRA.ORG](http://WWW.OPRA.ORG)

