Card Check Bill Now in Play

The Arkansas Hospital Association (AHA) Board of Directors on March 13 instructed the AHA staff to contact Arkansas Senators Blanche Lincoln and Mark Pryor expressing once more the association’s unequivocal opposition to The Employee Free Choice Act (EFCA). Both are considered key votes on the bill, which Sen. Tom Harkin (D-IA) and Rep. George Miller (D-CA) introduced March 9, officially placing it in play to begin the 111th Congress’ battle over rules governing union organization in the nation’s workplaces. Similar legislation passed the House in 2007 and had 51 votes in the Senate, but failed because it needed 60 votes to overcome a Republican filibuster.

The bill would eliminate the right to a federally supervised private-ballot election during union organizing drives. It amends the National Labor Relations Act by requiring employers to recognize a labor union if a majority of workers at a business sign authorization cards in the presence of union organizers. That’s called the card-check process.

Under present law, if union organizers can get at least 30% of employees in a company to sign petition cards requesting a union, then the National Labor Relations Board (NLRB) can authorize a secret-ballot election. If more than 50% of employees sign the cards, then the labor union can unionize the employees without a secret-ballot vote. However, the employer retains the right to ask for a secret-ballot election overseen by the NLRB, to confirm that the employees really want a union to bargain for them.

The EFCA rules changes that practice. If enacted, once more than 50% of employees sign union authorization cards, then the employer’s right to request a secret-ballot election would be taken away. Technically, a secret-ballot election could still take place, but only if the labor union were to agree to hold one, a doubtful proposition at best. The bill also would make initial collective bargaining contracts subject to binding arbitration if no agreement was reached within 120 days.

The American Hospital Association is one of many business groups that have been working against the bill for more than two years. Hospitals’ chief concern is that the EFCA would impose significant challenges on their attempts to ensure the highest quality healthcare is delivered in the most cost-effective manner. Not only would the bill deny hospital employees a secret ballot, but it also could lead to an outside entity dictating the terms of a contract between the hospital and its workers – a harmful move for employer-employee relations.

AHA Offering Education Program Discounts

The Arkansas Hospital Association (AHA) has implemented a policy aimed at helping member hospitals to weather the economic downturn by reducing the cost for employee training on hospital and healthcare related issues. From now through August, the AHA is offering discounts
on its educational programming. This “Education Stimulus” package includes the following lower-cost options, which are now available to all AHA members:

- More Webinars, Telnets and Audioconferences on a variety of topics at a set fee of $170. This is a “per site” fee. So, for one registration fee, multiple participants may “attend” the program. See http://www.arkhospitals.org/calendar/audio.htm for a list of programs already scheduled.

- In April, the AHA will offer two workshops on crisis communication and emergency preparedness at a $50 fee per workshop. This fee can be paid with the annual training dollars that acute care hospitals receive from the HHS Hospital Preparedness Grant. Individual hospital regional coordinators will have the necessary information.

- The annual Hospital Executive/Trustee Summer Leadership Conference is scheduled for June 17-19 at Perdido Beach Resort in Orange Beach, Alabama. This conference was scheduled and contracted for three years ago, well in advance of the current economic slump. To assist attendees, the association will reduce the registration fee to $200 (from $325) per person. The program for the conference will be available soon.

- For any upcoming workshops already scheduled through August – five of the Mid-Management series, Compliance Forum, Negotiations Workshop and Staff Development Forum – there is a “two-for-the-price-of-one” registration fee. Most of the brochures have been distributed, but notices informing the membership of the new pricing structure will be distributed.

Suggestions will also be made to each AHA affiliated organization to offer some type of reduced registration fee or option for their upcoming workshops and conferences; however, that decision will be made by each organization’s board of directors.

Arkansas HAveBED Drill Fully Successful

In accordance with the Assistant Secretary for Preparedness and Response/Hospital Preparedness Program Grant Guidance, Arkansas hospitals are required to submit Hospital Available Beds for Emergencies and Disasters (HAveBED) reports to the Department of Health and Human Services (HHS)/Secretary Operations Center in support of a National HAveBED Reporting Exercise.

The exercise was held last week. The Arkansas Department of Health notified all hospital preparedness coordinators on March 11 that the drill would be conducted on Friday, March 13, but no definite time for the drill was known. When such a notice is received, hospitals are required to update their bed availability on EMSystems within 60 minutes of receipt of the notice even if they’ve already updated earlier in the day.

Friday afternoon, Melody Parsley, coordinator, Health Care Preparedness in the Preparedness & Response Branch of the Arkansas Department of Health (ADH), reported that “the entire Arkansas Hospital Preparedness Network succeeded in the state’s first national HAveBed availability reporting.”

Parsley said that every Arkansas participant responded within 60 minutes to a national update request to EMResource. ADH then responded to HHS with its report within 90 minutes of the required 4-hour timeframe. She added, “The showing is an excellent reflection of the commitment level in Arkansas hospitals.” Arkansas also received kudos from HHS representatives on their performance and the excellent report.
AAHT Regional Meetings Scheduled

In an effort to be sensitive to time constraints on busy trustees for Arkansas hospitals and still offer them quality educational programs, the Arkansas Association of Hospital Trustees (AAHT) will offer a series of regional dinner meetings in April and May. The meetings will be presented in five areas of the state making it easier for local hospital trustees to attend and network with other trustees for hospitals in nearby areas.

The program will be the same at each location. Elisa White, the Arkansas Hospital Association vice president and general counsel, will discuss hospital trustees' responsibilities for ensuring that the entire hospital is functioning appropriately and in compliance with the law. Since the 1996 Caremark decision, which held board members personally liable for failing to take minimal steps to achieve legal compliance, trustees have been very concerned about their compliance-related duties. With litigation and government investigations on the rise, trustees need to understand their responsibilities, which include:

- Having a basic knowledge of compliance issues.
- Ensuring that a compliance program is implemented, reviewed and updated.
- Providing oversight and support for compliance activities.
- Committing resources to the compliance program.
- Being open to and taking reports from the compliance officer.
- Being engaged in solving compliance problems.

Each meeting will begin with a reception at 5:30 p.m., followed by dinner and a 45-minute educational session. Dates and locations include:

- April 15 – Holiday Inn, Jonesboro
- April 16 – Jefferson Regional Medical Center, Pine Bluff
- May 5 – Holiday Inn City Center, Fort Smith
- May 19 – Embassy Suites Hotel and Spa, Hot Springs
- May 20 – El Dorado Golf and Country Club

Program brochures have been mailed to CEOs and members of the AAHT. Please call Beth Ingram at (501) 224-7878 for additional information.

AHA Board Highlights

During its regular monthly meeting on March 13, the Arkansas Hospital Association (AHA) board of directors:

- Discussed the newly introduced union organizing bill, The Employee Free Choice Act, including the AHA’s unequivocal opposition to the bill and the importance of Senators Lincoln and Pryor voting against it. The board instructed the AHA staff to contact each senator again reiterating the AHA position.
- Reviewed a new AHA “Education Stimulus” policy to offer discounts to member hospitals for education programs through August 2009.
- Learned that the AHA’s provider assessment bill, which passed the Senate by a 29-1 margin, is now in the House of Representatives, where it is assigned to the Public Health
Committee. The House sponsor is Gregg Reep of Warren, chairman of the committee. The bill will be discussed in committee March 17 or 19, and then will be considered by the full House of Representatives the following day.

- Reviewed the budget for trauma funds approved by the Legislature, as well as the Trauma Level Designation Process. Funds, which will be disbursed as both start-up (year 1) and sustaining (subsequent year) grants, total $25 million for FY 2010 and $28 million for FY 2011. Application forms for trauma center designations should be available by the end of April.

- Learned that the President’s proposed 2010 budget and the recently passed Recovery Act include funds that should enhance meaningful healthcare reform. The budget creates a reserve fund of more than $630 billion over 10 years to help pay for healthcare reform, while healthcare measures included in the $787 billion Recovery Act will help protect Medicare and Medicaid, providing healthcare safety net funds for hospitals.

- Learned that two hospitals have already signed up for Arkansas’ “Stop BSI” project, even though the official kick off will not occur until June.

- Learned that the AHA Workers’ Compensation Self Insured Trust (AHAWCSIT) received authorization to distribute a dividend to hospitals that participated during the 2007 fund year in the amount of $1,285,166. The AHAWCSIT board approved a dividend distribution of $1 million with the remaining amount to remain as surplus. The dividend will be distributed in mid-to-late April.

**NewsNotes About Arkansas Folks**

AHA President and CEO **Phil E. Matthews** has been selected to chair the American Hospital Association’s State Issues Forum through spring 2011. The Forum analyzes and studies legislative and regulatory issues at the state and local level, identifies emerging trends and collects information on a wide variety of state healthcare issues. With input from state and metropolitan associations, the Forum identifies priority healthcare issues and develops educational forums for senior staff members of the associations.

**The AHA Calendar**

17    Ensuring Compliance with the Joint Commission’s 2009 Hazardous Materials & Waste Standard – Webinar T2477
17    Engaging Hearts: How Caregivers Build Meaningful Relationships with Patients, Families and Each Other – Webinar N0309 – Session 1: Nursing Specific
18    Focus on CPT “Brown-Bag” Webinar – Surgery: Integumentary System Coding
18    Performance, Measurement and Improvement – A 5-Part Audio Series – Part 1: Everything but the Kitchen Sink: Next Steps for a Rapid Response Team
24    Management Excellence & Organizational Development – A 3-Part Webinar Series – Part 1: Creating a Culture of Collaboration Between Nursing & Support Services
24    Working with Hospital Volunteers – Webinar Series VOL09 – Session 4: Marketing Your Volunteer Program