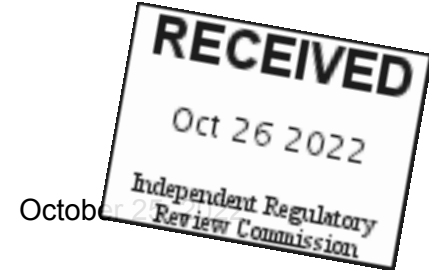




SEIU Healthcare
United for Quality Care



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Re: Department of Health Final Form Long-Term Care Nursing Home Facilities Regulations
Rulemaking #10-221, #10-222, #10-223 and #10-224

Dear Commissioners,

SEIU Healthcare Pennsylvania appreciates the opportunity to comment on the Department of Health's final-form regulations concerning long-term care nursing facilities. Thousands of our union's members work every day as caregivers in the Commonwealth's nursing facilities, caring for Pennsylvania's most vulnerable residents, and those members speak out every day about the consequences of a broken system that consistently fails our elders, their families and their caregivers. The problems in our nursing homes are longstanding, but the Covid-19 pandemic shined a spotlight on those problems, bringing public attention to a largely taxpayer-funded system that too often delivers low-quality care. Regulatory reform in this industry is long overdue, and we urge you to vote to approve all four regulatory packages under consideration; Pennsylvania's seniors can't wait a day longer for these critical improvements to care.

These regulations are the product of deep engagement with a wide variety of stakeholders, including elder advocates, caregivers, residents and industry groups. We commend the Department of Health's decision to publish the regulations as proposed in four separate packages, which offered stakeholders the opportunity to comment in detail on every aspect of this comprehensive regulatory overhaul, and the Department's ongoing commitment to engaging with stakeholders. This process has resulted in a substantially improved final package which we are excited to support.

While the final regulations contain many improvements to every aspect of the state's nursing home regulatory framework, we will focus here on the provisions of greatest concern to our members: Reform to the change of ownership process in package 3, and improvements to required staffing levels in package 4.

Change of ownership: To understand the profound failure of our current process for regulating nursing home sales, one need only consider the example of Skyline. Skyline was a for-profit

nursing home chain that acquired hundreds of facilities across the country including several in Pennsylvania before suddenly collapsing in 2018. Skyline's bankruptcy was so sudden and disorderly that residents were stranded in facilities that were not paying utility bills or purchasing food; our members in Skyline facilities had to purchase groceries with their own money to keep their residents fed.

It was a shocking example of the near-total lack of oversight of nursing home ownership in Pennsylvania. For-profit companies with track records of failure and resident abuse are able to purchase nursing homes in our state and effectively become responsible for the care of our most vulnerable seniors. While Skyline is the most public example, the issues involved are endemic: Dozens of nursing homes change hands every year, and all too frequently those nursing homes are sold to companies without the commitment, financial stability or experience to successfully provide high-quality care.

If you vote to approve these regulations, state regulators and stakeholders will finally be empowered to prevent this. The proposed regulations significantly expand transparency and accountability for those seeking to operate nursing homes in the state by empowering the Department of Health to seek better information about prospective owners and to raise objections when they have concerns. Just as importantly, the proposed regulations provide public notice of sales and an opportunity for stakeholders to weigh in—allowing resident families, elder advocates and the long-term care ombudsman to ask the right questions and protect residents before a sale is finalized.

We cannot overstate the urgency of enacting these reforms. Nursing homes are bought and sold in Pennsylvania on a weekly basis. Improving quality of ownership through greater oversight is a key component of transforming this sector. Conversely, the failure to enact these regulations would virtually guarantee that the next Skyline is just around the corner.

Staffing: Package 4 of these regulations enacts urgently needed improvements to staffing levels in our nursing homes. Dozens of studies over the years have demonstrated the link between improved staffing and higher-quality care—and our members see that link every day at work. Today, nursing home CNAs are sometimes asked to care for over 20 residents on a given shift—residents who require care and attention to eat, bathe and use the bathroom. It is simply impossible to provide even basic care in those circumstances, much less the personal attention our residents need and deserve.

These proposed regulations will dramatically improve staffing standards, from 2.7 hours of care per resident-day to 3.2. Just as importantly, the regulations will create staffing ratios on a per-shift basis for each category of nursing staff—ensuring that staffing requirements are met every single day and improving transparency and accountability for workers, residents and families.

These staffing levels are the product of much deliberation and compromise. Our union initially called for staffing levels at 4.1 hours per resident-day, and we still believe that that number is the right ultimate goal. However, we recognize that staffing improvements need to move in tandem with funding improvements, and after deep engagement with the industry and regulators we arrived at a compromise level that all stakeholders can support, and worked with the state legislature to ensure that that level was funded. The attached joint advocacy letter from SEIU and the Pennsylvania Health Care Association is testament to our shared commitment to

industry transformation and the Department of Health's deep engagement with stakeholders throughout this process.

Again, this comprehensive reform of our nursing facility regulations contains dozens of improvements and we urge you to vote to approve all four packages. The residents our members care for every day can't wait any longer.