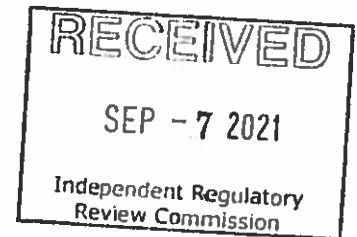


3312



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG



August 31, 2021

The Honorable Alison Beam, Acting Secretary
Department of Health
Health & Welfare Building, 8th Floor West
625 Forster Street
Harrisburg, PA 17120

RE: Regulation #10-221 (IRRC #3312) Long-Term Nursing Care Facilities

Dear Madam Secretary:

We, the undersigned Members of the Pennsylvania House of Representatives, respectfully submit this letter to express our support for the above captioned proposed regulation, which, in part, seeks to adopt additional Federal requirements for long-term care nursing facilities and proposes an increase in the number of direct-care hours that such nursing facilities will be required to provide to residents.

Insufficient staffing is a persistent problem in most, if not all, of the Commonwealth's 603 licensed long-term care nursing facilities, which will be subject to the proposed regulations. Staffing shortage has a direct impact on the quality of resident care. In fact, some advocates and experts opine that insufficient staffing contributes to resident neglect and abuse, including mental and physical decline, inappropriate use of psychotropic medications, untreated bedsores, weight loss, and inadequate hygiene. As you know, the Commonwealth currently requires long-term care nursing facilities to provide each resident with 2.7 hours of direct care each day. This requirement falls far short of the Federal (Centers for Medicare and Medicaid Services) recommendation of 4.1 hours of direct care, daily. Accordingly, we applaud the Department of Health's decision to require long-term care nursing facilities to provide a minimum of 4.1 hours of direct care hours to residents and to ensure adequate staffing levels during each shift.

Although the need for an increase in direct care hours has been a longstanding issue in long-term care, the COVID-19 pandemic exposed the adverse impact insufficient staffing has on the ability of long-term care nursing facilities to provide quality care and related support services to residents. For instance, a March 2021 report by Human Rights Watch revealed that more than 1.4 million residents and long-term care employees had contracted COVID-19 and more than 178,000 had succumbed to the virus, nationwide. Furthermore, an analysis by the Associated Press reported an additional 40,000 deaths nationwide in long-term care nursing facilities that were not caused by the coronavirus between March and November 2020. As of this writing, over 13,000 residents of long-term nursing facilities have succumbed to COVID-19 in Pennsylvania. COVID-19

highlighted the gaps in nursing home care and revealed that insufficient staffing adversely affects the ability of long-term nursing care facilities to provide sufficient and consistent medical care and support to residents; which was exacerbated by COVID-19 mitigation protocols that halted visits by family and friends of residents.

Consequently, we strongly believe that increasing the number of direct care hours to 4.1 is essential to improving the quality of health services provided to residents of long-term care nursing facilities. We respectfully suggest, however, that the Department include specific language worded to ensure that the increase in direct care hours only apply to those employees who are directly assigned to resident care.

It is important for you to know that we are cognizant of the General Assembly's role in the Department's efforts to achieve the staffing goals stipulated in the proposed regulations. We believe that achieving adequate staffing in long-term care nursing facilities will require the Commonwealth to make a significant investment; not only to ensure a living wage for long-term care employees, but also to help the industry compete for employees in a competitive labor market. Accordingly, we support policies that would improve the quality of care for residents of long-term care nursing facilities, including, but not limited to, increasing the Medical Assistance reimbursement rate for the hundreds of Medical Assistance enrolled long-term care nursing facilities and the twenty County-operated long-term care nursing facilities, as well as activities designed to attract, train, and retain the employees needed to ensure the safety and care of residents. We will work with our colleagues in the House and Senate, and with Governor Wolf and the Administration, to secure appropriate funding.

We commend the Department of Health's efforts to improve the quality of life for residents of long-term care nursing facilities and fully support this proposed rulemaking. We look forward to working with you and welcome the opportunity to discuss this matter or other issues of concern to the Department of Health.

Respectfully submitted,



Joanna McClinton
Democratic Leader
191st Legislative District



Matthew Bradford
Democratic Appropriations Chair
70th Legislative District



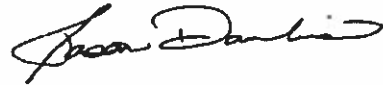
Tina M. Davis
Democratic Caucus Secretary
141st District



Tim Briggs
149th Legislative District



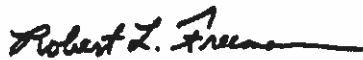
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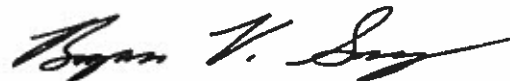
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Ben Sanchez
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163rd Legislative District