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**92ND DISTRICT**

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**Independent Regulatory  
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 State Government

September 27, 2021

Alison Beam, Acting Secretary  
 Pennsylvania Department of Health  
 Health & Welfare Building  
 625 Forster St., 8<sup>th</sup> Floor West  
 Harrisburg, PA 17120

Dear Acting Secretary Beam:

I would like to express my strong opposition to Proposed Regulation #10-221 (Long-Term Care Nursing Facility Regulations) issued by the Department of Health and ask that the Department reconsider the initiative. This proposed regulation would increase the minimum number of direct care hours in Pennsylvania's nursing homes from 2.7 to 4.1 among other provisions and places a substantial burden on an already struggling workforce.

Once again, the Department has by-passed procedures outlined in the Regulatory Review Act. Additionally, the Department's failure to conduct a substantial Small Business Analysis provides no understanding of the real costs to small business (i.e. nursing homes).

This proposal is the first of five (5) revisions that will constitute the final form update to the nursing home regulations and considering the relationship between each proposal, it is impossible to realize the totality of this regulation since the Department has not provided a timetable as to when the final plans will be seen.

Industry stakeholders, many of whom were never consulted by the Department, estimate that the proposed regulation will require a minimum of 7,000 additional direct care workers to meet the proposed 4.1 staffing minimum. I join them in questioning where these workers will be found, given the Commonwealth's on-going workforce crisis.

It is disturbing that at a time when nursing homes are already struggling with Medicaid reimbursement shortfalls, and our Medicaid system is overburdened with the vast majority of nursing home care throughout the commonwealth, the Department of Health is proposing a regulation with an estimated annual cost of \$400 million. The end result of this proposal will cause a substantial access to care issue as our nursing home providers are forced to limit their admissions and restrict new residents in an effort to comply with a 4.1 staffing minimum.

Allison Beam, Acting Secretary  
September 27, 2021  
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For these reasons, I am asking that the Department reconsider this harmful proposal. I implore the Department to regroup, reach out to industry stakeholders and chart a course that considers our resources while addressing the needs of our vulnerable population.

Sincerely,



Dawn W. Keefer  
State Representative  
92<sup>nd</sup> Legislative District