



03 August 2021  
Department of Health  
625 Forster Street  
Harrisburg, PA 17120  
Attn: Lori Gutierrez, Deputy Director  
Office of Policy  
Re: Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)

To Whom it May Concern,

Please accept this letter of comment on the recently proposed rule, "Department of Health, Title 28. Health and Safety, Part IV. Health Facilities, Subpart C. Long Term Care Facilities, 28 Pa. Code §§201.1-201.3: 211.12(i), Long Term Care Nursing Facilities".

This letter is being sent on behalf of the residents we serve and the direct care staff of Tucker House Nursing and Rehabilitation Center. Our nursing facility is a 180 bed facility located in Philadelphia, Pennsylvania. We employ 190 employees and provide services to 130 residents. As the Director of Nursing, I can attest to our facilities commitment to providing high quality care and prioritizing the needs of the residents we serve each and every day.

After reviewing the proposed regulation, we have grave concerns regarding the amendments to increase the required minimum number of hours of general nursing care from 2.7 to 4.1 hours for each resident and excluding other direct care provided by essential caregivers.

I appreciate the intent of this proposal but I fear that it may have a significant negative impact upon staffing levels and delivery of care to our residents.

During the course of this pandemic the heroes (our staff) are the ones who stepped up to the challenge, conquered their fears and came into work. They provided the care that our residents needed. But we have also witness to a steady decline in the number of staff who were available to provide that care. This decline may be attributed to multiple factors and has been reflected in the current job market in the general population where positions are open but individuals do not wish to avail themselves of those opportunities.

The impact that the pandemic has had upon the normal work force pipe line has been immense. In the field of nursing, the number of new nursing graduates has been on a steady decline over the last few years. There are a number of identified factors that have contributed to this such as an increase of career pathways choices for the traditional population who selected this career. There is an identified shortage of qualified nursing instructors thus limiting the number of students that can be instructed in the profession and a decreased availability of clinical settings to teach that practice due to covid restrictions.

For Certified Nursing Assistants the same issues apply. At the start of the pandemic the state recognized that there was a need to provide additional assistance by the creation of the Temporary Nursing Assistant program but this program is on hold by the state's department of education and has left those individuals that embarked upon that program in limbo.

With these supply side deficits for staffing having been identified, staff issues are at the forefront of the facility's concerns. We conduct daily staffing meetings to identify what our staffing needs are and approach staff to see if they can pick up extra shifts. We also utilize staffing agencies to meet anticipated staffing short falls. There will be times when those staffing agencies cannot meet our requests or the agency staff member calls off from the assigned shift and the agency are unable to replace them. When those gaps occur, they are covered by nursing management.

We have reviewed our orientation process to ensure that it meets the needs of our onboarding staff, conducted touch point interviews to establish what is working and those areas

that need to be improved. We have conducted job fairs with good attendance but few candidates who are willing to commit to accepting employment. We have developed a clinical career path to provide financial support for educational advancement for C.N.As, LPNs, and RNs. We have increased pay rates. But all of these efforts have not greatly increased our staffing pool.

If we cannot increase our staffing pool, we will continue to ask our existing staff to fill these needs. As we continue to increase the rate of infection, at some point, the staff will become exhausted and question the need to continue with their sacrifice and seek employment in another field as has happened in other industries. The goal to increase PPD will in fact have the opposite effect.

Michael Maguire, BSN, RN  
Director of Nursing  
Tucker House Nursing and Rehabilitation Center