



August 5th, 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 ProMedica Skilled Nursing and Rehabilitation (Formally known as HCR-ManorCare). I oversee a total of 9 Skilled nursing facilities in the Pittsburgh area. My region consists of approximately 1300 employees and 1170 residents. I can attest my facilities have a strong 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 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.

We are not supportive of this regulation, primarily due to the current staffing challenges we are encountering, despite our efforts to increase our staffing levels through increased hourly rates, sign on bonuses, enhanced work environments and schedules. We anticipate even greater challenges in the ability to reach a minimum of 4.1 hours of general nursing care per resident.

Examples of these challenges include but are not limited to workforce availability, funding challenges, agency staffing issues and competition with other workforce markets. We have taken and continue to take steps to address these concerns through recruitment strategies, retention strategies and incentive programs.

We have an amount of direct care provided in your nursing facilities that is **not** considered general nursing and believe these other direct, essential care services should be factored into the state's staffing minimums. These direct care givers include, Certified Nurse Practitioners, Physical therapists, Occupational therapists, Speech Pathologists, dieticians, and activities directors.

We believe that more staff does not necessarily equal better quality of care for residents. Our good Quality of Care Outcomes are achieved utilizing the interdisciplinary staffing levels determined through the facility assessment process.

Thank you for your time in reviewing and considering our comments. I am hopeful that the Department will amend the provisions contained in §211.12(i) in a manner that will address the concerns raised in our comments.

Sincerely,

Chad Meenan, NHA
Regional Director of Operations
ProMedia Senior Care