



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 Kingston Health Care Center. Our nursing facility is a 65 bed facility located in Luzerne County, Pennsylvania. We employ 61 employees and provide services to 54 residents. As the Administrator, 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 as essential caregivers.

Our facility continues to face staffing challenges daily to meet the 2.7 requirement. Our open positions are not being filled, and staff are working extra shifts to assist in the needs of our residents. We utilize Agency as needed but Agencies do not have staff to send. We have trained our non-nursing employees to be PCAs in order to help meet the needs of residents. We have increased our shift differential on the weekend giving nursing personnel a few extra dollars differential and offer Bonuses to work extra shifts. It is unrealistic that we will be able to meet the proposed 4.1 hours of general nursing care per resident when we are challenged making 2.7 hours.

Unfortunately there are times when we have to decline admissions because we will not meet the 2.7 hours of care. This impacts patients at the hospitals and their families. Our geographic location has also made it difficult to recruit due to the amount of nursing homes in our County.

Other direct care workers should not be excluded in the PPD. It should not just be nursing in the 2.7 hours of care when therapists, wound care nurses, Activity Directors, Dietitians to name a few, also provide care? Their positions benefit and improve the overall health and well-being of our residents.

Thank you for your time in reviewing and considering our comments. We are 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,
Marion Smith, RN, MHA, BSN, NHA