



10 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)

Deputy Director Gutierrez,

This letter is sent on behalf of the residents we serve and the direct care staff of Spruce Manor Nursing and Rehabilitation Center. Our nursing facility is a 184-bed facility located in West Reading, Pennsylvania. We employ about 150 employees and provide services to about 160 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, I am deeply concerned about 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. As I am sure you remember, the minimum was waived out of necessity during the beginning of the COVID-19 pandemic, because there were not enough people to go around. Artificially raising the staffing floor will not correct this problem. What it will do is run many nursing homes out of business, displacing vulnerable residents and dedicated healthcare employees. Our facility and many others are already in the business of offering large bonuses and contract with staffing agencies. In addition to this, we are not allowed to count the direct care provided by multiple disciplines toward the minimum staffing requirement. Unfortunately, staffing data in Pennsylvania has never reflected the true level of care given for this reason.

Two years ago, my director of nursing and I came to Spruce to turn it around. The building was on a provisional license. A month after we arrived, we had a 12-deficiency annual survey (2 Cs, 10 Ds) which restored our regular license. Our next annual survey was deficiency free (30 June 2021). It was not a 4.1 ratio that turned this building around. Instead, the same staff that had been here for years simply needed leadership that was invested and cared about them, and willing to put in some hard work on the front end, and because of that, ***they are the ones who turned it around.*** I strongly, respectfully urge the Pennsylvania Department of Health to choose the needs of Pennsylvania nursing home residents and employees over the financial comfort of large corporations who can afford to lobby to put their competitors out of business.

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 protect the health and wellbeing of Pennsylvania nursing home residents and staff.

Sincerely,

Josh Bennett, MA, NHA, CDP