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Cc: ["advocacy@phca.org"](mailto:advocacy@phca.org)
Subject: [External] Re: Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)
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August 10, 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 The Lutheran Home at Kane. Our nursing facility is a 90 bed facility located in Kane, Pennsylvania. We employ 135 employees and provide services to 90 residents. As the Human Resource Generalist 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.

The staffing crisis we are currently encountering makes this proposal a huge concern to me. Living in such a small area, we currently are struggling extremely hard to find staff to keep our PPD at our average. We have agency in the building to help and that is a huge financial take on for us. We are a non-profit standalone building and agency is very expensive. After COVID expenses and loss of income, many facilities are hurting financially. This is a huge expense that would put an even larger toll on our residents. In the past few months, we have done different things to try to get staff and keep staff. We have given retention bonuses, we have done different recruitment strategies. We have done job fairs, to which one person showed up. We have went to job fairs with graduating students to which two people showed interest. Since COVID, it is impossible to find staff members easily.

In our facility, we have a lot of staff who is involved with the residents daily. We have a very

active Activities Department who spends a lot of time with the residents and should be counted in the daily staffing numbers. Another department that spends a ton of time with the residents is the Therapy Department. Physical Therapist, Occupational Therapists, Speech Therapists and Wound/Quality Assurance Nurse. These staff members all spend the majority of their day with residents and caring for them in one way or another. As these professionals are doing their tasks with the residents, basic care also comes into play almost every visit. Whether it is feeding, toileting, changing, positioning, etc.

Increasing the daily staffing numbers at such a large increase does not mean better care. This facility was a 5 star for TWO consecutive years. This was done with the current daily staffing numbers. Just because the PPD is a 2.7 does not mean that the residents are not getting care. Increasing the PPD to 4.1 also does not mean better care for the residents. Our quality program shows that the quality care here at The Lutheran Home is excellent. Of course, there are always improvements to be made, but the residents receive good care. The staff we currently has goes above and beyond to make sure the residents are receiving the care they deserve and this is a compliment the facility receives often. 2.7 to a 4.1 is a very large increase and quite honestly, not feasible with the challenges all Nursing Homes are facing.

The Lutheran Home's goal has always been to staff above the required PPD. This building actually markets for the PPD we run of 3.4-3.6. Each staff member here plays a role in the residents care. The perfect example being that when COVID hit, the leadership team took the emergency Temporary Nurse Aide License and worked the floor throughout the breakout. The staff here goes above and beyond for each different situation. To this day, the leadership team steps in to work the floor if there are call offs or there are holes in the schedule. The staff members here receive in service training. Each staff members, new and old goes once a year to training that covers many areas to give better care to the residents. New hires attend in-service within the first month of employment with us.

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,
Molly Christoff
Human Resource Generalist

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