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August 5th, 2021
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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)

Dear Ms. Gutierrez ,

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-Whitehall Borough. Our nursing facility is a 166 bed facility located in Pittsburgh, Pennsylvania. We employ 200 employees and provide services to 150 residents. As the Human Resources Director, 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. While this is an admirable regulatory goal, it is all but unattainable in todays labor market.

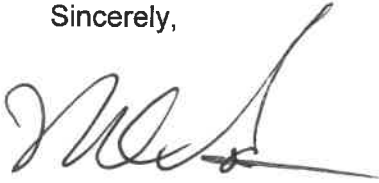
We are not supportive of this regulation, primarily due to the current staffing challenges we are encountering, despite our efforts to increase our staffing levels through increased hourly rates, sign on bonuses, enhanced work environments and schedules. All this while fishing in a pool of health care workers that had dried to a very minute puddle. 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. 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,

A handwritten signature in black ink, appearing to read 'M. Grubisha', with a long horizontal flourish extending to the right.

Michael D. Grubisha

Human Resources Director