



Gutierrez, Lori

From: Michael Scharrer <Michael.Scharrer@hcfmanagement.com>
Sent: Thursday, August 12, 2021 11:55 AM
To: DH, LTCRegs
Cc: advocacy@phca.org
Subject: [External] Re: Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)

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8/12/2021

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 who work at HCF, Inc. As one of two HCF Pennsylvania Regional Director of Clinical Services, I oversee 4 nursing homes operating across the Commonwealth. Collectively, these facilities are licensed for 484 beds, employ 520 employees and serve up to 484 residents, typically 460. Our organization is committed to providing high quality care and prioritizing the needs of the residents we serve each and every day.

After reviewing your proposed regulation, we have concerns regarding the mandatory increase of the minimum number of hours of general nursing care from 2.7 to 4.1 hours for each resident, which excludes other direct care provided by essential caregivers. With the current unemployment incentives, fear of COVID 19 and other industries increasing wages at an astronomical rate, we have been struggling to staff the facilities at the current 2.7 minimum PPD. It is also difficult to recruit staff as 2 of our 4 facilities are in rural areas and there are just not enough nurses in these areas. For the other 2 facilities that are closer to the city of Erie, there are more nurses, but much more competition with other nursing facilities and hospitals to recruit them. There have been several challenges which include the very high cost of using agency staff and high percentage of agency staff call offs. Additionally, the Medicaid reimbursement still remains low, and with CHC, we are not in control of our own facilities case mix efforts, rather relying on the statewide average CMI to set MA rates. Also, some of our managed care contracts, particularly those that pay by levels, do not pay very well. Also, the Managed Care Insurances are constantly looking for technicalities to avoid paying the amounts that the facilities have billed. We have offered COVID wage incentives, call-in incentives, on-call incentives, shift differential incentives, increased vacation benefits for certain job titles, very high sign-on bonuses with shorter working obligation periods. We also have increased wages significantly for nurses and STNAs. In addition to using agency

staff, we are contracting nurses from the Philippines. The acuity of our residents is much higher than in the past. We are caring for residents who have tracheostomies, peg-tubes, IVs, Peritoneal Dialysis, life vests, wound vacs, O2/CPAP/BiPAP, etc. The bottom line is that these residents have very complex medical needs and require much more time to care for than the typical nursing home resident of 10-15 years ago. Finally, it is very important to expand the list of who is considered an "essential worker". Because of their direct involvement with resident's care, Physical therapists, Occupational Therapists, Speech Language Pathologists, Activities Directors, Wound Nurses, etc. should also be considered "essential workers". The hours that these professionals spend with the residents should count toward the state minimum PPD requirement.

Thank you for your time in reviewing and considering our comments. We are hopeful that the Department of Health will address our concerns and work with providers and staff to ensure continued access to long-term care services in Pennsylvania. We are hopeful that the Department of Health will amend the provisions contained in §211.12(i) in a manner that will address the concerns raised in our comments.

Sincerely,

Michael Scharrer, RN RAC-CT
PA Regional Director of Clinical Services
HCF Management Inc.

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