



**August 18,2021**

**RE: Rulemakings 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)**

Dear Independent Regulatory Review Commission,

On behalf of Delaware County, we write to share our concerns on Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1). We appreciate the Department's continued attention to long-term care and its residents of Pennsylvania during the COVID-19 pandemic. The last year and a half has been extremely challenging for the long-term care community, and we are grateful for the continued support and partnership the Department has provided. County nursing homes and other affiliated long-term care facilities care for one of the most vulnerable populations. As you are aware Fair Acres is located in Delaware County and is currently caring for 430 residents.

Proposed Rulemaking 1 looks at nursing services within long-term care facilities, specifically calling for an increase in the minimum number of direct resident care hours from 2.7 to 4.1. County facilities have typically exceeded the required hours per patient, but due to COVID-19 and other recent pressures, it has been impossible to find sufficient staff to meet even current needs. Even if staff were available to fill all of the roles that this change would require, the Department does not have the necessary data to calculate what the exact cost to these counties will be.

Furthermore, the current employee shortage is impacting every industry and setting. Nursing facilities have always struggled for staff even in more normal times due to the difficult nature of these long-term care and nursing jobs. The labor market is causing more difficulties as jobs are plentiful, making long-term care positions less attractive.

Additionally, the call for an increase in direct care hours may seem overdue as the minimum has not been raised in over two decades; however, this also does not take into account the other regulatory and reporting requirements and increased sanitization needs long-term care staff have had added to their plates. The proposed direct care hours also would apply to all shifts, which means that facilities will have to have the same number of staff to care for residents during the night when residents are sleeping as during the daytime hours, and fewer hours to complete other duties that are essential to ensuring overall resident health and safety within long-term care facilities.

While the effort to increase patient hours is well-intended, given the current environment and the impact on facility operations, the outcomes for residents could actually be negative and hit county nursing facilities disproportionately hard. We are committed to those we serve and urge you to consider the potential negative outcomes of this proposed rule.

Sincerely,

*William D'Amico N.H.A.*

William D'Amico N.H.A.  
Nursing Home Administrator