



August 16, 2021

Lori Gutierrez, Deputy Director
Office of Policy
625 Forster Street, Room 814
Health and Welfare Building
Harrisburg, PA 17120

RE Department of Health Proposal to Update Nursing Facility Regulations

Dear Ms. Gutierrez:

In responding to the proposed changes, please let me start off by sharing that I have been licensed NHA since 1999 and I have seen a lot of changes in that time. I am compelled to say that these changes as proposed are illogical, and seem to show a rather startling lack of knowledge of the world we are operating in at this time.

Changes in Staffing Requirements:

In today's environment and under the requirement to provide 2.7 NHPPD, we are already struggling to hire and maintain the clinical and non-clinical staff necessary to assure positive outcomes. Despite utilizing every recruitment approach possible, we continue to struggle to hire for all positions. As an example, last week we scheduled and confirmed 21 interviews. Of those 21, one person showed up for their interview. In a time when you can't hire enough surveyors to provide the surveys and support you are mandated by regulations to provide, you are asking us to nearly double our work force. And while you are able to increase the time between annual surveys with no repercussions, we are under the constant threat of CMP's in a time of severely increased costs and majorly decreased revenues and census. CMPs do not improve the quality of care, they deprive the community from the resources that are so necessary to assist with improving and maintaining all areas of operations in a facility.

Staffing is a crisis throughout Philadelphia, Pennsylvania, and the entire United States. When we are already struggling to hire and maintain staffing at 2.7 NHPPD, where are the qualified applicants going to come from when the requirements are nearly doubled? More staff is not automatically equal to better care.

Inherent in this proposal is a very significant increase in costs to us the providers. A quick review indicates we here at Stapeley would need to hire at approximately 14 new full time equivalents resulting in an increased annual wages and benefits total of at least \$600,000 annually. I see no meaningful proposal to assist us with this increased burden. Our current census is 65% Medicaid. We have not seem a meaningful rate increase in seven years.

Have you considered the expanded impact of this proposal? Private Pay Residents would surely see an increase in their rates. Providers experiencing difficulty in achieving and maintaining the 4.1 requirement may seek solutions by choosing not to serve the most challenging Residents being referred by hospitals, thereby creating a backup in hospitals and increased costs for everyone.

Proposed Regulation and Five Part Introduction & Potential Violation of PA State Law

Because DOH has not provided a comprehensive list of the “five parts” of proposed regulations, it is nearly impossible for a provider to prepare for changes in PPD or any other aspect of the regulations. Introduce all five parts now, roll out the detail over the next 12 months or 15 months, allowing for comment after each part is introduced. The proposed regulatory changes should be transparent. All five parts should be released, reviewed and commented on by the public, followed by a regulatory review process.

Thank you for reading and considering this point of view

Sincerely,

Wesley Enhanced Living at Stapeley

Ken Beiler, NHA
Executive Director

Submit: RA-DHLTCRegs@pa.gov