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From: [Grob, Brenda \[CPCUS\]](#)
To: irrchelp@irrc.state.pa.us; [DH_LTCRegs](#)
Subject: [External] Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)
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August 18, 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".

I am imploring you to support increasing direct care hours in nursing homes to the minimum of 4.1 hours (hopefully more) per resident every day. The recent COVID pandemic tragically illustrated the negative impact to the residents with the current 'sufficient' regulated levels of hours per resident per day. Basic ADLs were marginal due to the lack of staffing attention to the residents and caused rapid decline physically, emotionally and in some cases death, in **my Mother's case near-death.**

In the case of my Mother in a nursing home in southeastern PA, she went from **131 lbs. on March 13, 2020**, at the start of the pandemic with a healthy mouth with good oral hygiene, able to ambulate to the toilet with assistance to have the dignity to relieve herself, an engaged and pleasant demeanor **down to 110 lbs. on hospice with visible gum disease and tooth decay on the front surfaces of her teeth due to severe neglect, abject depression evidenced by confusion and no longer speaking, and being completely bed-ridden by June 16, 2020. That dizzying spiral of her demise happened in just 3 months!**

The pandemic rules regulated NO visits to Mom's LTC facility. This regulation made our Mother experience the actual direct care hours regulated by PA. Up to March 13, 2020, our family visited every day for the intended purpose of supplementing Mom's care with ADL assistance. The sudden ceasing of daily visits with ADL care by my father and my family forced my Mother into the cadence of the minimum 2.7 regulated direct care hours in PA. The **regulated direct care hours nearly**

killed my Mother in just 3 months. **There is NO intelligent person that could read this summary and declare that the currently regulated amount of direct care that was delivered to my mother could be categorized as a sufficient amount of direct care.** The assumption is that the individuals making these regulations are reasonably intelligent and have a modicum of empathy for the elder population of PA to age with grace, dignity comfort, **sufficient** and **adequate** care. Which follows that when reading this summary, the current regulated hours of direct care are woefully inadequate, at best and intentionally harmful, at worst. I can't imagine any intelligent person would want the same for themselves and their families now or in the future.

My Mother was placed on hospice June 16, 2020 and the full time job of advocating, communicating care requests, and insuring Mom was being cared for was my job in my remote capacity in tandem with the hospice team, who were allowed to minister to my Mother through daily and constant communication and contact with me until June 15, 2021. My Mother survived and after extreme lobbying for compassionate care, we are able to care for my Mom more regularly since June 15, 2021. I have been graphing her vitals and since we received the ability to have compassionate care visits, my Mother has gone from 110 lbs. to 120 lbs. in 8 weeks with \$361 spend on oral care, waiting for recommendation on how to save her teeth so she can continue to eat. We are providing the daily ADL direct care again ourselves. We pay \$10,000.00 a month out of pocket for my Mom to receive this care, but the current regulated direct care hours are **NOT SUFFICIENT**. It is a travesty to think that \$10,000.00 a month doesn't include a minimum of 4.1 hours of direct care in a 24 hour day. Without our supplemental support since June 16, 2021 through compassionate care visits, I am certain my Mother would be dead since she was removed from hospice (also due to regulations).

Please support increasing direct care hours in nursing homes to a minimum of 4.1 hours per resident every day. Every day across Pennsylvania, there are nursing home residents who are not receiving the care they need because there are too few nurses and nursing assistants to assist them. Studies have shown that 4.1 hours/resident each day is the minimum amount of care needed to prevent common quality of care problems like pressure ulcers, dehydration, and losing the ability to carry out daily tasks such as eating, oral hygiene, dressing, and walking. Current federal regulations require "sufficient" staffing to meet the needs of residents. "Sufficient" is not defined. Instead, each nursing home can decide for itself how many nursing assistants to assign — with a bare minimum of 2.7 hours of direct care provided today. Even the best staff can't provide quality care if there aren't enough of them. You can help by making the minimum direct care hours of care per resident in the long term care facilities at the minimum 4.1 hours. Maybe Mom could still walk and talk and her teeth wouldn't be full of cavities and decay if this action was taken prior to the pandemic on behalf of our elders – think about this story and regulate with your intelligence and your heart.

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Thank you,
Brenda Grob
PA Resident and Devoted daughter
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