



From: [Harris, Craig](#)
To: [DH, LTCRegs](#)
Cc: advocacy@phca.org; [Craig Harris](#)
Subject: [External] Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)
Date: Friday, August 13, 2021 2:53:47 PM

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August 13, 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 Genesis Healthcare Centers in Pennsylvania. As the Vice President of Operations, I oversee 12 nursing homes operating across the Commonwealth. Collectively, these facilities are licensed for 1752 beds, employ 1,153 employees (excluding therapists, APP's, and contracted dietary and environmental staff) and currently serve 1,549 residents. 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. These other essential caregivers include physical therapists, occupational therapists, speech therapists, dietitians, APPs and physicians.

Additionally, in Pennsylvania, we are in the midst of an uncontrolled migration of direct care staff from center employment to agency status, chasing high wages that we are unable to match. This has created significant pressure on centers' ability to staff, especially as fewer and fewer people enter the healthcare field. The resulting and predictable challenges directly impact the ability to provide quality care and accept new admissions. Adding a mandate, at this time, and especially without a significant funding mechanism, is not going

to produce any results other than failure. From a realistic point of view, there simply is not nearly the available staff to meet the 4.1 HPPD 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,

Craig Harris

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Wm. Craig Harris | VP - Operations

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