



Liberty Healthcare Management

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Aug 20 2021

Independent Regulatory
Review Commission

August 19, 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 Facilities".

This letter is being sent on behalf of the residents we serve and the direct care staff who work at Athens Health and Rehabilitation Center and Marywood Heights. As the Vice President of Finance for Liberty Healthcare Mgt, LLC, the management company, we oversee 2 nursing homes operating in the Commonwealth. Collectively, these facilities are licensed for 144 beds, employ 165 employees and serve 112 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.

At Athens Health and Rehabilitation Center located in Bradford County we currently staff at 3.4 and have incurred a year-to-date June 30, 2021 loss of \$361,885. This is almost entirely due to the inability to hire nursing staff such as Registered Nurses, Licensed Practical Nurses and Certified Nursing Assistants. In order to staff at this level, which we believe is more than adequate, we have incurred exorbitant nurse agency staffing expenses far exceeding what an employed nurse would cost. Through 6 months we have required 12,868 agency hours predominately supplied via traveling nurses at average costs of \$85.00 for Registered Nurses, \$68.00 for Licensed Practical Nurses, and \$48.00 for

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Certified Nursing Assistants. These rates are exclusive of overtime, weekend and holiday rates. The total nurse agency expense for 6 months ending June 30, 2021 is \$715,526, which is directly related to the year-to-date loss. Even at the current staffing level this is not sustainable and a regulatory increase to any level above the current staffing would surely force the facility into bankruptcy and eventual closure.

At Marywood Heights located in Lackawanna County we currently staff at 3.4 and have experienced increased agency usage from January to June 30, 2021. Agency hours and expense was 7,213 and \$301,745 respectively for this period. There was a modest profit of \$4,418 for June 30, 2021. With the inability to hire nursing staff and the increase in agency staffing the facility will not be sustainable at the proposed regulatory increase in nursing hours.

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,

A handwritten signature in cursive script, appearing to read "Kirk R Reichart".

Kirk R Reichart
Vice President Healthcare Finance