



# THE COUNTY OF CHESTER

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Pennsylvania Department of Health  
 Attn: Lori Gutierrez, Deputy Director  
 625 Forester St, Room 814  
 Harrisburg, PA 17120

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

Dear Deputy Director Gutierrez:

On behalf of Chester 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 Pocopson Home is located in Chester County and has the capacity to house 259 long-term care residents and 16 short term rehabilitation patients.

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 for some to find sufficient staff to meet the current minimum requirements. 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 new regulatory and reporting requirements and increased sanitization needs long-term care staff have had added to their plates. Pocopson Home provides between 3.0 and 3.2 direct resident care hours per 24 hour period on most days. This is above the 2.7 minimum. The staff is distributed throughout the shifts as dictated by the care required. Care hours are not equal during each shift. The proposed direct care hours would apply to all shifts, which means that facilities will have to maintain the proposed 4.1 ratio during the evening and night shifts when residents are sleeping and care requirements are significantly decreased. This proposal is not only unreasonable, but financially impossible to implement.

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. Candidates for long term care jobs do not exist in the numbers needed to meet this level of staffing. We are committed to those we serve and urge you to consider the potential negative outcomes of this proposed rule.

Sincerely,



Marian D. Moskowitz  
Chair



Josh Maxwell  
Vice-Chair



Michelle Kichline  
Commissioner