



From: [Jordan Gillespie](#)
To: [DH, LTCRegs](#)
Cc: [advocacy@phca.org](#)
Subject: [External] Re: Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)
Date: Tuesday, August 24, 2021 10:24:49 AM
Attachments: [image001.png](#)

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August 24, 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 Panacea Health Corp. As the Corporate Director of Business Analytics, I oversee the analytical efforts of eight (8) nursing homes operating across the Commonwealth. Collectively, these facilities are licensed for 1,425 beds, employ over 1,100 employees and serve roughly 1,250 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. As the head of Panacea's Analytics team, I have had the opportunity to analyze both labor and recruitment data to understand the difficult challenges in staffing. We average 200 full-time open positions across our facilities (a staggering 15% of our total staff). Our small company has invested resources into recruitment and retention in the form of full-time positions dedicated to recruiting new nursing staff and lessen our open positions, yet we have many candidates who do not appear for their scheduled interview or no-call/no-show for their first shift. Of our labor costs, we average 15-20% of that cost just in shift pick-up bonus incentives. This does not include base pay, non-productive pay, agency premiums, or overtime premiums. Financially, this is not sustainable and many other facilities we speak to are seeing these same trends in labor costs. Increasing the minimum hours will cause many skilled nursing facilities in the state to ask themselves whether they should remain open when they are paying more in labor than they can generate in revenue to cover the costs.

We are grateful to our staff who have helped by picking up extra shifts to care for our residents, but have great concerns on their sustainability to continue picking up the extra shifts while understaffed. You can

see the burnout they struggle with, especially in the height of another COVID wave. We have nurses who have chosen to leave healthcare altogether due to the extreme stress of balancing working in long-term care and personal lives. These can be seen within the termination notes of many of our employee resignations. Should the minimum hours of general nursing care increase from 2.7 to 4.1 hours for each resident, even more staff will be pushed to their limits to pick up shifts to ensure adequate staffing levels. Please consider the impact this decision has on our caregivers, who are already weary from battling COVID in the front lines.

Pennsylvania is always in need of more nurses and aides in long-term care. Instead of an increase in the minimum hours, please consider avenues where we can attract more members of the Commonwealth to consider becoming a licensed nurse or certified aide – through continuing to fund accelerated programs and programs that can meet various personal schedules. We can continue providing high quality care by attracting more staff to work in long-term care, not by increasing the minimum hours on already short-staffed facilities.

Thank you for your time in reviewing and considering my 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,

Jordan Gillespie