

From: [Virginia Kessler](#)
To: [DH_LTCRegs](#)
Subject: [External] Re: Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)
Date: Tuesday, August 24, 2021 2:15:49 PM



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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,

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.

Staffing continues to be the biggest challenge that our organization faces each and every day, sometimes every shift. Not only does this staffing challenge increase payroll and agency expenses, it also significantly increases the organization's turnover rate. Unfortunately, there are many outside factors that have created this staffing challenge.

- First challenge - workforce availability. Our organization is located in a rural community with two hospitals that are vying for the same workforce.
- Second challenge – inadequate reimbursement rates. Due to our inadequate reimbursement rates, the facility is unable to compete with wages, incentives, sign on bonuses, that the hospitals, manufacturing companies, and distribution centers in the area.
- Third challenge – maintaining quality of care and meeting resident needs. Because agency staff are not as familiar with the resident's routine or needs there is

additional monitoring from other departments to ensure consistency and continuity of care. There is also additional stress on the staff to fill in the inadequacies/competency of the agency staff.

- Fourth challenge – interview/hiring process. Excessive amount of time is expended on setting up interviews, on boarding, and orientation. Then, the prospective candidate does not call or show for the interview, onboarding, or day one orientation. This, in turn, is a waste of valuable resources that could be better focused on the resident and retaining existing staff. One has to wonder if no shows are related to the unemployment compensation requirement to complete an employment application.
- Fifth challenge - census. This is the first time in the 40+ years as a privately owned company that we have to turn away admissions because of staffing levels. With that said, as a facility we can't increase wages, offer incentives, sign on bonuses when census struggles to stay above 70% capacity.

This letter is being sent on behalf of the residents we serve and the direct care staff who work at Nottingham Village. As the President/Owner of a Senior Living Community, which includes a 121 bed licensed Skilled Nursing Facility, we employ approximately 250 employees and a census of approximately 285 residents. Our organization is committed to providing high quality care and prioritizing the needs of the residents we serve each and every day.

As an organization, we value all of our staff and our residents. The 4.1 including only the direct care staff, is of utmost concern to our organization. It is important for the resident to receive stimulation from Activities, Therapy, and Dining. In addition, the acuity levels of the residents have increased which has created the need for specialized staff such as wound care nurses and respiratory therapists. It takes a “village” to care for the residents and the staff. Emphasis should not be placed on only the direct care staff, but rather the entire interdisciplinary team.

Thank you for your time in reviewing and considering our comments 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”.

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,

Virginia A Kessler, NHA
President/Owner

people!

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Leeds Health Care Services, Inc. d/b/a Nottingham Village