

From: [Noelle Lyon-Kovaleski](#)
To: [DH, LTCRegs](#)
Cc: [advocacy@phca.org](#)
Subject: [External] Rulemaking10-221 (Long-Term Care Facilities-Proposed Rulemaking 1)
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Carbondale

NURSING AND REHABILITATION AT HART PLACE

Heart is at the center of everything we do

8/24/2021

Department of Health
625 Forster Street
Harrisburg, PA 17120
Attn: Lori Gutierrez, Deputy Director
Office of Policy

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 of Carbondale Nursing and Rehabilitation Center. Our nursing facility is a 115-bed facility located in Carbondale, Pennsylvania. We employ 150 employees and provide services to 100 residents. As the Nursing Home Administrator, I can attest to our facilities commitment to providing high quality care and prioritizing the needs of the residents we serve every day.

After reviewing the proposed regulation, we have grave concerns regarding the amendments to increase the required minimum number of hours of general nursing care from 2.7 to 4.1 hours for each resident and excluding other direct care provided by essential caregivers.

Recruitment and retention remain a major concern at our facility. We continue to struggle to find staff to provide the care for our residents. Licensed staff is particularly of concern as we have had only 4 licensed applicants over the past 1.5 years. We are unable to provide the flexibility and higher pay rates that home health and hospitals can provide due to our current financial strains. A decrease in census coupled with increased pay/hero incentives for staff have led to a consistent monthly financial loss for our facility. The licensed staff can find work with better pay and less responsibility, making it impossible to attract new staff despite every attempt.

The temporary nurse aide waiver program was great help to my facility as we would have not been able to reach minimum staffing hours without this program. We continue with advertising, social media posts, recruitment of personal friends etc. in order just to meet the 2.7 requirement. We have exhausted most of our resources and applicants have significantly declined.

The recent announcement by President Biden in relation to mandated vaccines adds further complications to an already desperate situation. We predict we will have approximately 10 full time employees leave if this becomes a reality. We also will have a more difficult time recruiting staff with this requirement. We have concerns we will not be able to reach the 2.7 requirement with these potential resignations a 4.1 would be impossible. Agency staff are not even an option to bulk up the staffing numbers as they too are struggling to find staff.

Pennsylvania does not allow us to count RN Supervisors, Unit Managers, Therapy staff, Social Workers, Activity staff into our direct care hours, all of whom provide direct care daily. If we were permitted to include these disciplines our hours would exceed 4.1 daily. Consideration needs to be given to allowing these disciplines to be included in the direct care calculation. I understand the purpose of the proposed rulemaking and would love to make this a reality, but this is truly an unrealistic, unfunded task. If this proposed rule passes, it completely cripple an already struggling industry. Pennsylvania will have less options to care for their frailest population as many facilities will be forced to close their doors.

Please feel free to reach out to me at 570-282-1020 for further clarification or questions.

Respectfully,

Noelle Kovaleski, MHA, NHA
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