



Lori Gutierrez
Deputy Director, Office of Policy
625 Forster Street, Room 814
Health and Welfare Building
Harrisburg, PA 17129

Dear Ms. Gutierrez:

I am writing to comment on the proposed regulations to update nursing facility regulations that were published on July 31st.

I am very concerned about some aspects of these regulations and the negative impact that they could have on nursing homes and their residents. I am a member of the Board of Presbyterian SeniorCare Network in Pittsburgh (PSCN). I am currently retired, but prior to my retirement I was a Professor Health Economics at the University of Pittsburgh where my primary interests were related to the financing of health care with a particular focus on public programs. I served as Chair of the Department of Health Policy and Management at the Graduate School of Public Health, and was a member of the Prospective Payment Assessment Commission and the Medicare Payment Advisory Commission.

My major concern is related to the proposed increase in nursing hours per patient day to 4.1. I know that the quality of care provided by some nursing homes is problematic. However, PSCN has worked tirelessly to improve the quality of care rendered to its residents. These efforts are reflected in the star ratings that its nursing homes have received from Medicare.. This proposed regulations, if put into effect, would make our work, and that of other nursing homes, much harder. My major concern is related to the increase in costs that would be incurred in trying to reach this goal. An increase in nursing staff by about 50 percent would have huge consequences. Private pay rates would have to be increased to cover the increased costs and, if the state did not increase its Medicaid rates , nursing homes would have to increase their rates even more to cover the greater losses on Medicaid residents. This would con have ripple effects that would be unsustainable.

The State has not taken into consideration the work that has been done by the federal government on staffing requirements. I believe that to the extent possible the state should follow the federal lead on many of these issues since it has more analytic resources to assess alternative approaches to payment and regulation. As I understand it, the federal government did not mandate minimum staffing ratios because it thought that would stifle innovation. Furthermore, following the lead of the federal government on many nursing home regulations could lead to a reduction of regulatory burden on nursing homes who struggle to meet sometimes conflicting regulations.

I would also point out that the actual implementation of these regulations would lead to a significant increase in the demand for nursing staff in the Commonwealth. PSCN has devoted significant resources to recruiting and maintaining nursing staff. It has not been successful and has to use more agency nurses than it would like to provide quality care. I don't know where we can find the staff to meet these needs – especially if all nursing homes were pursuing the same path.

I commend the state for trying to improve the quality of care in the nursing homes in the Commonwealth, however, I am concerned that the approach it is taking on staffing will lead to many unintended consequences.

Yours truly,

A handwritten signature in black ink, appearing to read 'JRL', followed by a long, horizontal, wavy line that extends to the right.

Judith Lave

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