



Office of the President

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August 20, 2021

Ms. Lori Gutierrez  
Deputy Director, Office of Policy  
PA Department of Health  
625 Forster Street, Room 8114  
Health and Welfare Building  
Harrisburg, PA 17120

Dear Ms. Gutierrez:

This letter is written in response to the proposed updates to nursing facility regulations, in particular, the proposal to increase nursing care hours from the current 2.7 hours per resident per day to 4.1 hours. As a 40-year licensed Nursing Home Administrator committed to quality care, I strongly urge the Department of Health to refrain from moving forward with this proposal for a host of reasons.

I am convinced that simply increasing Nursing Hours Per Patient Day by over 50% will not necessarily equate to quality care as there are a host of factors—including resident acuity; the stability, training and tenure of staff; and unique features of building design—that are critical to consider. Moreover, innovation and quality go hand-in-hand, and mandating significantly higher care hours may actually stifle innovation and cost-effective, quality care consistent with the CMS Triple Aim to increase quality and decrease cost. It is more about the right staff than simply more staff. Good management is about investing in quality, stable team members who work together as strong teams that provide consistent outcomes. Furthermore, across Pennsylvania and the entire U.S., nursing home providers are struggling with a serious staffing crisis, created in part by the COVID-19 pandemic which has resulted in widespread workforce issues across sectors. These are the most difficult recruitment challenges I have witnessed in my 40 years in the field.

Add to all of this that nursing communities are experiencing huge financial challenges with unprecedented revenue and expense drivers, including chronic underfunding and no increases in Medical Assistance rates in seven years. Private Pay rates have significantly increased—averaging over \$120,000 per year, increasing the rate of spend down of assets and conversion onto Medical Assistance. All of this is resulting in the closure (e.g. Charles Morris Nursing Center) and sale of facilities to out-of-state buyers (e.g. St. Mary's Health Care Center) and providers with histories of poor care (e.g. Brighton Health Center).

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For all of these reasons, I strongly urge the Department to refrain from making the difficulties faced by providers worse at this critical time. As the Department is planning to roll-out four additional packages of regulatory changes, it is critical to take the necessary time to look at the staffing requirements in the context of the full range of proposed changes and engage providers/provider associations in this process in a meaningful manner to avoid creating even more disruptive unintended consequences.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Winkler". The signature is written in a cursive style with a large initial "P" and a distinct "W".

Paul M. Winkler  
President and CEO

/lt

cc: Representative Carrie Lewis DelRosso  
James B. Pieffer