



COUNTY OF NORTHAMPTON

OFFICE OF COUNTY COUNCIL
NORTHAMPTON COUNTY GOVERNMENT CENTER
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042
Phone: 610-829-6596
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3312

August 23, 2021

Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

2021 AUG 30 A 11:39
RECEIVED
IRRC

Dear Independent Regulatory Review Commission,

Enclosed please find a copy of Resolution #93-2021 which was passed by Northampton County Council at their meeting held on August 19, 2021, in opposition to the Department of Health's proposed changes to Rulemaking 10-21 regarding nursing home hours.

Sincerely,

Linda Zembo
Linda M. Zembo
Clerk to Council

Enclosure

THE COUNTY OF NORTHAMPTON



RECEIVED
IRRC
2021 AUG 30 A 11:39

RESOLUTION

Number 93-2021

WHEREAS, the County of Northampton operates the largest long term care facility (LTCF) in the State of Pennsylvania under one roof; and

WHEREAS, the Pennsylvania Department of Health has proposed changes to Rulemaking 10-221, which would alter the minimum number of direct care hours per patient at every LTCF from 2.7 to 4.1; and

WHEREAS, current staffing levels in most LTCF, including those in Northampton County, struggle to meet sufficient minimum roles; and

WHEREAS, the proposed change in hourly minimums does not take into account the difficult nature of the work at LTCF, made more so by the ongoing pandemic, as well as fails to consider the additional regulatory and reporting requirements imposed, and increased sanitization concerns for all shifts.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

1. Northampton County Council opposes implementing this change and urges the Department of Health to reconsider the

possible negative outcomes of this proposed rule.

2. A copy of this resolution and the attached letter shall be forwarded to the Independent Regulatory Review Commission, Pennsylvania Department of Health, and the Legislative Policy Committee Chairs of the General Assembly.

ATTEST:

INTRODUCED BY:



Linda M. Zembo
Clerk to Council

John Cusick

The above resolution was adopted by the Northampton County Council at the meeting held August 19, 2021.



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August 20, 2021

Pennsylvania Department of Health
Attn: Lori Gutierrez, Deputy Director
625 Forester St, Room 814
Harrisburg, PA 17120

RE: Rulemakings 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)

Dear Deputy Director Gutierrez:

On behalf of Northampton County, we write to share our concerns on Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1). We appreciate the Department's continued attention to long-term care and its residents of Pennsylvania during the COVID-19 pandemic. The last year and a half has been extremely challenging for the long-term care community, and we are grateful for the continued support and partnership the Department has provided. County nursing homes and other affiliated long-term care facilities care for one of the most vulnerable populations. As you are aware Gracedale Nursing Home is located in Northampton County and is the largest such care facility in the State of Pennsylvania under one roof.

Proposed Rulemaking 1 looks at nursing services within long-term care facilities, specifically calling for an increase in the minimum number of direct resident care hours from 2.7 to 4.1. County facilities typically exceed the required hours per patient, but due to COVID-19 and other recent pressures, it has been impossible to find sufficient staff to meet current needs. Even if staff were available to fill all of the roles that this change would require, the Department does not have the necessary data to calculate what the exact cost to these counties will be.

Furthermore, the current employee shortage is impacting every industry and setting. Nursing facilities have always struggled for staff, even in more normal times due to the difficult nature of these long-term care and nursing jobs. The labor market is causing more difficulties as jobs are plentiful, making long-term care positions less attractive.

Additionally, the call for an increase in direct care hours may seem overdue as the minimum has not been raised in over two decades; however, this also does not take into account

the other regulatory and reporting requirements and increased sanitization needs long-term care staff have had added to their plates. The proposed direct care hours also would apply to all shifts, which means that facilities will have to have the same number of staff to care for residents during the night when residents are sleeping as during the daytime hours, and fewer hours to complete other duties that are essential to ensuring overall resident health and safety.

While the effort to increase patient hours is well-intended, given the current environment and the impact on facility operations, the outcomes for residents could actually be negative and hit county nursing facilities disproportionately hard. We are committed to those we serve and urge you to consider the potential negative outcomes of this proposed rule.

Sincerely,

Handwritten signature of John Cusick in cursive script, followed by a horizontal line and a small mark.

John Cusick
On Behalf of Northampton County Council