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Cc: ["advocacy@phca.org"](mailto:advocacy@phca.org)
Subject: [External] Rulemaking 10-221 (Long-Term Care Facilities, Proposed Rulemaking 1)
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August 30, 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,

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 who work at IntegraCare Corporation, a regional manager of residential senior living. As the Senior Director/ Operations Program Quality and Project Management and now I oversee nine (9) senior living residences (assisted living, personal care and memory care, licensed in PA) and four others in neighboring states. Collectively, these facilities are licensed for 800 beds, employ **~over 600** employees and currently serve **~770 Residents** in three neighboring states. Our organization is committed to providing high quality care and prioritizing the needs of the residents we serve each and every day.

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.

1. I am concerned about the burden and distress your requirement is going to have on an industry, and sector of an industry, which has been grappling with workforce challenges prior to the pandemic. While I am personally proud to represent my industry, I am keenly aware that the work of direct care can be emotionally and physically demanding and difficult. The public characterization and perception of the work itself is not glamorous even though it is a necessary, noble and fulfilling calling. The factors influencing our workforce challenges are varied as you know:

the result of these challenges is terrifying for seniors and their families who rely on a residential solution for care, and to those who are trying desperately to plan and provide for that care around the clock. Across The Commonwealth providers are closing wings, shuttering departments and sequestering areas inside of communities because there are not enough staff to provide care for frail and vulnerable seniors. This is our shared reality. Mandating an increase in the direct care hours in one sector exacerbates an existing serious problem in another with no discernable current solution.

2. Our nine (9) communities in the Commonwealth extend from Lancaster to Butler in secondary markets. Over the past decade, we have experienced vibrant communities full of happy Residents and caring Team Members in every one of our markets and have a solid regulatory history – *enough to know it is possible*. The mandatory increase in the minimum number of general nursing hours (alone) will erode and further compromise a labor pool and workforce that is strained beyond reason from the pandemic and other economic forces. Our communities exceed the federal minimum wage for all positions, and our direct care team members (non-C.N.A.'s) now exceed \$15.00/hour with our *Residents paying privately for care*, and **we are unable to attract enough staff to fill our vacancies**, and (temp) agency staffing is not able to fulfill our needs currently either, citing not enough personnel to send. **We have 410 employees in PA, and a vacancy factor across all status of employment of 21.46%**. Recruiting is something we do all day, every day. We complete the required pre-employment selection criteria of interviewing, obtaining professional references, completing a criminal background checks and verifying their records on C.N.A. registry and with the Magistrate. We want only the best working on our teams in service to our Residents. Retention is also a heavy focus: our employees have full benefits to include health, dental, vision, PTO and holiday time, and 401 (k) with company-matching and vesting. Our employees enjoy a free meal every day, or two if they work beyond their regular shift. We train our employees in all facets of their jobs and have developed a career ladder; we have numerous and effective engagement, recognition and reward programs, including an intra-facility social media platform to recognize behaviors aligned with organizational values (#teamwork, etc.), clocking-in from your phone and something called Daily-Pay.
3. At the very least, as you consider the impact of the rule, please deliberate on the advantages of including other/ additional essential positions which contribute to the richness of the Residents' experience in our communities such as therapists, activities professionals and social workers who spend countless hours meeting the extensive and important needs of the population we serve. Including the hours spent in work with and for the Residents' benefit and welfare will promote the inclusion of a a diverse set of skills to be in demand and give others in our industry additional aspirations and opportunities. As currently proposed, the new hours-requirement will adversely impact segments of healthcare and will not have the positive impact of improving quality in the ways you aspire to with this mandatory increase in the minimum number of general nursing care hours for skilled facilities. This change will most certainly reduce access to care for seniors because the facilities will close under the weight of this burden taking other segments with them.

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

Megan Campbell, MHA, NHA

Senior Director, Operations Program Quality and Project Management

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