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Sent via email to: RA-DHLTCRegs@pa.gov

August 27, 2021

Ms. Lori Gutierrez
Deputy Director, Office of Policy
Pennsylvanian Department of Health
625 Forster Street – Room 814
Harrisburg, PA 17120

Re: Comment re Proposed Nursing Home Regulations (51 Pa.B. 4074)

Dear Ms. Gutierrez:

Please accept this letter as Delaware County Council's comments on the Department of Health's proposed regulations concerning long-term care nursing facilities published in the July 31, 2021 Pennsylvania Bulletin.

Delaware County owns and operates the Fair Acres Geriatric Center, a skilled nursing facility licensed to care for more than 850 extremely vulnerable individuals – over 90% of whom have their cost of care covered by Medicaid and County taxpayers - and for generations it has provided an invaluable safety net for them and for their families. We are proud of the work its dedicated staff does, and throughout the pandemic Fair Acres has been caring for many people who truly have had nowhere else to go.

We recognize that long-term care is changing, a process which began before the pandemic, and Fair Acres has been changing with it to be able to continue to provide its residents with the highest quality care possible. The proposed regulations recognize those changing circumstances, but also create the risk of adversely impacting our ability to serve those who most need our assistance by imposing staffing requirements which could drive operating costs to unsustainable levels in a time when there is an acute shortage of qualified staff across the entire facility.

Medicaid nursing home per diem payments have been largely unchanged for many years, and periodic minor adjustments have done little to offset the increased cost of care. The pandemic continues to exacerbate the gap between what we are paid and what services cost (even with special Federal pandemic assistance). Delaware County Council is responsible for the operation and funding of Fair Acres, and adoption of the proposed staffing ratios would threaten our ability to both hire sufficient staff and pay for the substantially increased cost in a time when we continue to deal with the ongoing adverse operational and fiscal impacts of the pandemic.

We support quality services and believe that Fair Acres takes good care of its residents, but increased staffing requirements absent substantially greater Medicaid per diem rates will inevitably threaten the ability of Fair Acres to fulfill its mission. The Department specifically states that the new staffing requirements could cost \$30 million per year just for county nursing homes, and advancing the new mandate without providing additional funds is poor policy and makes it less likely that needed long term care will be provided to the most vulnerable among us.

We have attached a letter sent to the Independent Regulatory Review Commission by William D'Amico, Fair Acres' administrator, and fully support his comments concerning the proposed regulations.

Thank you for your attention.

Sincerely,



Brian P. Zidek
Chairman



Dr. Monica Taylor
Vice-Chair



Kevin M. Madden
Council Member



Elaine Paul Schaefer
Council Member



Christine A. Reuther
Council Member

CC: Delaware County Legislative Delegation