



August 26, 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 Monroe 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 Pleasant Valley Manor is the Monroe County 174 bed skilled nursing facility. Pleasant Valley Manor has served the short term skilled nursing, rehabilitation and long term care needs of a diverse population in the surrounding communities, since 1924.

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 have typically exceeded the required hours per patient, but due to COVID-19 and other recent pressures, it has been impossible to find sufficient staff to meet even 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.

In order to guarantee that Pleasant Valley Manor would maintain a 4.1 PPD, each and every day, they would have to staff well above that level to a 4.5 or 4.6 PPD. This will be necessary to compensate for unforeseen staff absences as well as planned benefit time use, which is very high in our industry and especially in non-profit government homes.

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.

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 would 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 within long-term care facilities.

One of the few ways in which a Nursing Home can attempt to maintain a 4.1 PPD would be through a planned reduction in resident census.

If a Nursing home cannot hire to its necessary staffing compliment the only real option to take is to curtail admissions, even if there were appropriate beds available under license.

By scaling back your average daily census a Home may have a chance to maintain the 4.1.

The result on the Homes operation fiscally and the healthcare continuum would be catastrophic.

To balance their budgets operating expenses would have to be reduced and non-direct care staff laid off.

Hospitals would have tremendous trouble discharging clients to nursing homes as the overall availability of beds would shrink, even if the officially licensed capacity would not change. Where would those persons go if they must have essential skilled nursing and rehabilitation services? All of the ancillary and third party providers would see less business as well. This is even more troublesome when you consider the consistently increasing aging population in Pennsylvania.

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,



Sharon S. Laverdure, President
Pleasant Valley Manor Board of Trustees

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