



# UNITED CHURCH OF CHRIST HOMES

30 N. 31<sup>st</sup> Street, Camp Hill, PA 17011  
 (717) 303-1502 • (717) 303-1607 FAX  
[www.ucc-homes.org](http://www.ucc-homes.org)



August 25, 2021

Lori Gutierrez

Deputy Director, Office of Policy

PA Department of Health

625 Forster Street, Room 814

Health and Welfare Building

Harrisburg, PA 17120

Dear Ms. Gutierrez:

I would like to take this opportunity to comment on the Department of Health Proposed Nursing Facility Regulations. While I applaud the Department for attempting to focus on the quality of care our elders in our facilities receive, I would like to suggest the following possible flaws with the proposal and perhaps offer some suggestions. I believe that there should be a change to the NHPPD staffing level of 2.7 but I think that some flexibility and creative thinking should be employed to get there. Because we do not yet know how the staffing ratios will look in package 4 of the proposal, it will be nearly impossible to prepare and follow regulations at this juncture. Many years ago, I did a very small study looking at staffing that was in part linked to RUGs scores. With that thought in mind, I believe it is difficult to have a flat NHPPD. One size doesn't fit all. For instance, a facility that has a very low case mix may have very different staffing needs than a facility who focuses on more complex care and thus a higher case mix. Even as our reimbursement may be tied to case mix, so should our staffing. Additionally, as we saw during the pandemic, resident care goes far beyond only meeting the physical needs of residents. The importance of meeting the social and emotional needs of our residents became even more apparent. Thus I believe that those staff who address these needs should in some way be included in the calculations. Staff who provide social service and recreational support are fundamental in providing for the well-being of our residents. Indeed 4.1 hours of nursing care does not equal a quality experience for residents especially when other parts of the person are ignored. Additionally, licensed therapists who assist the resident with ADLS should also be included in the calculations as the support they provide often crosses over to the direct caregiving to our residents. The support for bathing, dressing, eating, toileting, etc. given by our therapists are an integral part of daily care and should also be included in any calculation.

Recruitment and retention of nursing staff at all levels has in the last 18 -24 months become extremely difficult. Some years ago we were warned that there would be a dearth of individuals to fill positions in nursing as baby boomers started to retire. It has been my experience that not only has that situation progressed more rapidly than first expected, it has left us scrambling to fill open positions due in part to the pandemic. When staff can choose to work at Taco Bell for \$19.00 an hour, Amazon warehouse for \$16.00 an hour, Walmart and Target for \$15.00 an hour, with few of the regulations and restrictions that we have in healthcare, we have difficulty competing for entry level positions. As one person who recently left us stated on their exit interview, "There is a lot less stress pulling groceries at Walmart than working in a nursing home". Our current nursing wages are for a CNA, base salary \$18.75, 2<sup>nd</sup> shift differential \$2.50/ hour, 3<sup>rd</sup> shift differential \$2.50/ hour, and weekend differential \$1.50/ hour for every shift. This is in addition to a generous benefit package. So you can see that low wages are not the

•The Lebanon Valley Home • Thornwald Home • Ephrata Manor • Kindred Place • Sarah A. Todd Memorial Home •



# UNITED CHURCH OF CHRIST HOMES

30 N. 31<sup>st</sup> Street, Camp Hill, PA 17011  
(717) 303-1502 • (717) 303-1607 FAX  
[www.ucc-homes.org](http://www.ucc-homes.org)

problem. With multiple openings, we are contacting past employees who left for non-care concerns to offer them an opportunity to return. There have been few former staff members who have accepted this opportunity. Most recently we have begun experiencing a phenomenon that we have never seen before. Multiple people apply for positions in the nursing department, an interview is granted, and then they don't come for the interview. Why, you might ask. The reason given is that they have to show that they apply for positions to continue their unemployment benefits but they don't have to prove that they went on an interview. Additionally, we would not staff our buildings at 4.1 NHPPD. The staffing would be more like 4.5 NHPPD or above to account for the occasional call-offs that could not be covered. That would ensure that we stayed at or just above the required 4.1 NHPPD. Because of the unbudgeted financial impact, the difficulty in filling current positions, and the uncertainty of staffing ratios in package 4 of the proposal, it appears to be a more reasonable approach to phase the increase in over time, thus allowing for these concerns to be addressed.

As I am sure you are aware, more than 60% of the residents in nursing homes in Pennsylvania, are medical assistance recipients. You may or may not know that there has been no funding increase for Medicaid for seven years. This then pushes the burden for increased costs to those few residents who are capable of paying for their care from their own resources. In turn these individuals spend down their assets even faster and increase the Medicaid census even more.

In light of the catastrophic effects of the COVID pandemic and now the threat of the increased costs of new staffing minimums, nursing facilities have begun closing beds, or selling to out-of-state providers with less than desirable track records. To this point, Abramson Center has been sold, and Charles Morris has closed its doors. The Cumberland County nursing home (Claremont), no longer able to sustain a loss each year has been sold to an out-of-state provider. While it may appear that this will ease the workforce concerns, it begs the question of how individuals needing care will find available accommodations.

In response to the proposal to make citations and fines from both the State and Federal Government for the same issue, I do not believe that providers should see duplicative fines and penalties for citations. The federal fines are already very expensive and may not lead to the desired outcome of increasing quality for a poor provider. Rather, I fear that a relatively good performing facility who has a bad survey (It can happen to anyone.), may suffer fines that would cause a negative effect to their ability to provide care. I have always thought that the Department should consider temporary administration with the authority to direct care and operating procedures to improve quality in consistently poor performing facilities. I believe this level of oversight may actually work to improve quality where it is most needed.

I will assume that the full package of regulatory changes will go through the minimum 30-day public comment period and the full regulatory review process. Releasing the reform in 5 packages will undoubtedly lead to confusion and lack of clarity. I appeal to the regulators to consider this when releasing partial reforms. This may also alleviate and concern that no PA state law would be violated (the Regulatory Review Act) as we know that the guidance from CMS may change at any time without notice or public process. CMS has made it clear that guidance or interpretations are only to be



# UNITED CHURCH OF CHRIST HOMES

30 N. 31<sup>st</sup> Street, Camp Hill, PA 17011  
(717) 303-1502 • (717) 303-1607 FAX  
[www.ucc-homes.org](http://www.ucc-homes.org)

referenced by surveyors in assisting them with the survey process and that they are not statutory or regulatory in nature.

With all of these concerns expressed and suggestions for revision included, I ask that you take a step back and reconsider the speed and unintended impact that the implementation these new regulations will have on providers and residents alike. Should you like to discuss any of these items, I would be more than happy to meet with you at a time and location of your choosing

Sincerely,

Beth A McMaster, NHA  
VP Operations/ COO  
United Church of Christ Homes