



**From:** [info@swppa.org](mailto:info@swppa.org)  
**To:** [DH, LTCRegs](#)  
**Subject:** [External] Comments for DOH Proposed Rulemaking 10-221  
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Lori Gutierrez  
Deputy Director, Office of Policy  
PA Department of Health  
625 Forster Street, Room 814  
Health and Welfare Building  
Harrisburg, PA 17120

August 31, 2021

Dear Ms. Gutierrez:

We are grateful for the opportunity to submit comments on the Department of Health's proposed Rulemaking 10-221 that was published in the [Pennsylvania Bulletin](#) on July 31.

The Southwestern PA Partnership for Aging (SWPPA) is a 31-year-old, volunteer-led organization with more than 300 members representing more than one million older adults across 10 counties of Southwestern Pennsylvania: Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland counties. Our members include organizations and businesses, as well as individual members such as civic leaders, business owners, medical professionals, scholars, professionals in aging services, students and residents of all ages. We act as a catalyst to promote policy, program and systems change that improves quality of life for all people, particularly for our oldest generations. We provide a neutral forum for collaboration, education, networking and advocacy.

On behalf of our membership, SWPPA would like to submit labor related concerns regarding the proposed regulation. In Rulemaking 10-221 regarding nursing home regulations, the Department of Health proposes to increase the minimum nursing hours per patient day to 4.1. It must be stated that we laud the department's intended outcomes, though must point out that these requirements don't occur in a vacuum.

Many of our members have been reporting scores of open positions with no applicants responding to advertisements for employment. The administration has historically responded to this by urging providers to increase wages. All of our members would enjoy the privilege of offering enhanced compensation to their front line workers, but without adequate compensation in their Medical Assistance (MA) rates, this is an untenable recommendation that cannot be realized.

Providers of healthcare and nursing services are in constant and ever-more expensive competition for the same small cohort of eligible and interested workers. Mandating a 50% increase in staffing in nursing homes will have broad and detrimental effects across all healthcare sectors. Additionally, this proposal does not include funding for staffing increases beyond the MA program, nor does it account for employer-paid benefits which could more than double the reported price-tag in the regulatory package.

As a final point, DOH proposes the implementation timeline for this package to be effective immediately upon publication as final. There is no requirement of advanced notice prior to publication of a final regulation. If DOH disregards other comments relating to the impossible task of hiring direct care staff, DOH must offer a compliance period during which providers can work towards increased staffing levels before citations for non-compliance are able to be issued.

Thank you for the opportunity to comment and we hope the Department of Health considers the reality all providers of healthcare services are facing regarding recruiting, training, and retaining staff. Please reach out if SWPPA can be a resource to DOH in further revision to the regulations or other senior services topics.

Sincerely,

Southwestern PA Partnership for Aging

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