



August 23, 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 of The Pavilion at St. Luke Village. Our nursing facility is a 120 bed facility located in Hazleton, Luzerne County, Pennsylvania. We employ 118 employees and provide services to up to 120 residents. As the Executive Director, I can attest to our facilities commitment to providing high quality care and prioritizing the needs of the residents we serve each and every day.

After reviewing the proposed regulation, we have grave concerns regarding the amendments to increase the required minimum number of hours of general nursing care from 2.7 to 4.1 hours for each resident and excluding other direct care provided by essential caregivers.

Nursing facilities have struggled prior to the COVID-19 pandemic to recruit and retain direct care staff. Compounding that struggle with the pandemic has placed an even greater burden on facilities. The Pavilion at St. Luke Village has six nursing facilities within a ten mile radius also working diligently to recruit staff to continue to provide quality care for our vulnerable population of residents. We are currently facing challenges with recruiting and retaining staff, and an increase in the minimum requirement will compound these challenges.

The Pavilion at St. Luke Village also employs other valuable, qualified professional staff who directly work with those we serve. This quality service and time spent directly with our residents, improving the quality of life and care they receive, is not considered in the requirements for direct care hours provided. Licensed professionals such as physical, occupational, speech, and respiratory therapists directly impact the quality care our residents

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receive and are essential for the health, well-being, and safety of our residents. In addition to these licensed professionals, direct care to our residents is provided by trained and qualified activity and social service staff to meet the social and psychosocial needs of those in our care. These individuals are also not considered in the minimum number of hours of "general nursing care", despite the valuable service provided directly to the residents of our center.

Thank you for your time in reviewing and considering our comments. We are hopeful that the Department will amend the provisions contained in §211.12(i) in a manner that will address the concerns raised in our comments.

Sincerely,

Jennifer A. Vandermark, NHA
Executive Director
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