



To Whom it May Concern,

As a member of the long-term care community, please accept this letter of comment against the recently proposed Department of Health regulations: Rulemaking 10-221 (Long-Term Care Facilities).

After reviewing your proposed regulation, I have concerns regarding the mandatory increase of the minimum number of general nursing care hours from 2.7 to 4.1 for each resident.

Contrary to the federal regulation as written by the Centers for Medicare and Medicaid Services (42 CFR 483.70(q)(1)), this proposed state regulation does NOT account for direct care workers who are critical in delivering daily care to residents, including therapists (PT/OT/ST), dieticians, social workers, recreational therapists and others.

This direct care is essential and should be counted in any staffing calculation. Not including this care intentionally sets an unachievable goal for long-term care providers.

Providers are also currently facing a dire staffing crisis nationally. Workers qualified to join the long-term care workforce do NOT exist. Providers in other states have been unsuccessful at achieving similar regulations. This mandate will force nursing home providers to recruit workers from other services in the long-term care continuum -- if they can afford to survive and do so.

I implore you to prudently address any regulatory concerns. We are hopeful the provisions contained in §211.12(i) will be amended to address the concerns of our sector.