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Nov 05 2021
Independent Regulatory Review Commission

From: mike.grier@thepcil.org
To: DH, LTCRegs
Subject: [External] Feedback on Nursing Home Regulations
Date: Thursday, November 4, 2021 1:38:11 PM
Attachments: Nursing Home Regs. 2 Pag 2.pdf
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Our comments on the 2nd package of Nursing Home Regulations.

Michael Grier, MSA

Executive Director
PA Council on Independent Living
717-713-3910 Call or text
www.thepcil.org

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November 3, 2021

Lori Gutierrez
Deputy Director - Office of Policy
625 Forster Street, Room 814
Health and Welfare Building
Harrisburg, PA 17120
VIA EMAIL to: RA-DHLTCRegs@pa.gov

Re: Rulemaking 10-222 (Long-Term Care Facilities, Proposed Rulemaking 2) 28 PA Code Sections 201.23 and 207.4, Chapters 203, 204, and 205
Deadline: November 8, 2021

To Whom It May Concern:

PCIL is pleased that the Department of Health is proposing to update the nursing home licensing regulations. The residents and loved ones we represent are long overdue for improvements in the quality of their care and their surroundings. COVID-19 had a tragically devastating impact on nursing home residents and staff. Moreover, it laid bare gross deficiencies and unconscionable racial disparities in the quality of nursing home care. There can be no doubt that the current regulations are insufficient to protect the lives of residents. Considerable changes are necessary and comprehensive reform is essential.

Comprehensive reform must include the following important priorities:

• Systemic Changes to Direct Care Staffing to increase direct care staffing hours and direct care staffing to resident ratios, as well as to adjust direct care staffing upwards from the minimum as needed to address individuals' assessed needs, overall resident acuity, and other facility-specific factors (such as physical layout features or operation of specialized units).

• Improvements in Training Requirements including minimum training hours for direct care and other staff with specific articulated training areas and demonstration of competency.

• Infection Prevention and Control Requirements that ensure each nursing home has full-time expert staff on hand to prevent and control infections.

• Emergency and Pandemic Preparedness Planning Requirements so that nursing homes must meaningfully plan for how to address emergencies and to prepare for pandemics or other outbreaks.

• Application for Licensure and for Change of Ownership Procedures that ensure that the application to operate or purchase a nursing home requires a thorough evaluation of the applicant's experience, expertise, and financial capacity to provide high quality of care.

• Residents' Rights Improvements to update regulations that are over 20 years old and don't protect all residents from discrimination or ill treatment.

There was also a portion of the regulations spoke about moving people into basements during certain situations. Under no situations is it acceptable to utilize space below grade as a bedroom, this is unacceptable.

I thank you for allowing us to provide input into these propose regulations.

Sincerely,

Michael Grier, MSA
Executive Director
Pennsylvania Council on Independent Living