



From: [Osborne, Teresa](#)
To: [DH, LTCRegs](#)
Subject: [External] AARP PA IRRC NH Comments to Package #2
Date: Monday, November 8, 2021 5:00:07 PM
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[AARP PA IRRC NH Comments 2.pdf](#)

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Submitting Comments to Package #2.

Thank you.



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November 8, 2021

Lori Gutierrez
Deputy Director
Office of Policy Department of Health
625 Forster Street, Room 814
Harrisburg, PA 17120

Re: Proposed Rulemaking No. 10-222 (Long-Term Care Facilities)

Dear Deputy Director Gutierrez:

On behalf of our 1.8 million members and all older Pennsylvanians and their families, AARP Pennsylvania appreciates the opportunity to submit comments in response to Rulemaking #10- 222 (Long Term Nursing Care Facilities, Proposed Rulemaking 2). We are pleased that the Pennsylvania Department of Health (the Department) has proposed to update its nursing home licensing regulations particularly at this time.

The COVID-19 pandemic has shown a spotlight on some of the real challenges facing Pennsylvania's nursing homes. Transforming the state's decades-old nursing home regulations could enhance the lives of all nursing home residents, staff and families. The need to update our long-term care regulations to improve nursing homes has been known for years. Unfortunately, the failure to take action has resulted in nursing home residents including older adults and people with disabilities paying a terrible price in personal safety and quality of life. As of November 8, 2021, it was reported that of the 31,377 COVID-19 deaths in the Commonwealth, 14,236 were residents of long-term care facilities. With the long-term care system now in the spotlight, the moment has indeed arrived to take meaningful actions.

PROCESS COMMENT:

We understand that this proposed rulemaking is the second of five packages that will eventually be combined to create a final, comprehensive nursing home regulatory package. We found it quite challenging and cumbersome to review and comment on both the first and the second regulatory package in isolation of the remaining proposed changes. Yet, we believe that given the importance and need for meaningful nursing home reform, it was vital that we comment.

SUBSTANTIVE COMMENTS:

Section 201.23 Closure of Facility

Although we understand, and generally support, the Department's desire to align its nursing home regulations with federal regulations, as proposed, we do not agree with the Department's proposal to delete or otherwise amend this section. The Department's recommendation to adopt federal regulations for Section 201.23(a) would decrease the current 90-day notification period to a 60-day notification period prior to a facility closure. The natural reaction of residents and their families when a closure is announced is to ask a series of questions, including, what will happen to the residents when a facility is closing and they must now move? How might

the closure and relocation affect their health and welfare? What can regulators and nursing homes do to ease every resident in such a move? Providing Pennsylvania residents and their families with more time, not less time, would ensure their safe discharge and relocation to another facility, provide ample time for proper planning, and better protect resident rights.

Overall, AARP believes that facilities should be required to provide timely notice and comprehensive information to residents and loved ones in the case of a transfer or discharge, including a summary of the resident's rights, information on visitation rights, the right to appeal a discharge or transfer, and written notice of the long-term care Ombudsman's name and contact information prior to discharge. As such, we recommend that the Department retain and not delete the current language in Section 201.23 (a)(b) and (c).

We appreciate the opportunity to submit these comments and stand ready to assist in this important regulatory review process.

Sincerely,

A handwritten signature in black ink that reads "Bill Johnston-Walsh". The signature is written in a cursive style with a long, sweeping underline.

Bill Johnston-Walsh
State Director
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