



From: [Holroyd, Tom](#)
To: [DH, LTCRegs](#)
Subject: Sen. Collett Comments - Rulemaking 10-223
Date: Monday, April 18, 2022 7:28:12 PM
Attachments: [Sen. Collett IRRC Comment Rulemaking 10-223.pdf](#)

Good Afternoon,

On behalf of Senator Collett, please find attached her comments to the Department of Health's Proposed Rulemaking 10-223.

Thank you,
Tom

Tom Holroyd | Legislative Director | Executive Director, Committee on Aging and Youth
Office of Senator Maria Collett, District 12

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12TH DISTRICT
STATE SENATOR
MARIA COLLETT

SENATE BOX 203012
THE STATE CAPITOL
HARRISBURG, PA 17120-3012
717-787-6599
FAX: 717-783-7328

GWYNEDD CORPORATE CENTER
1180 WELSH ROAD
SUITE 130
NORTH WALES, PA 19454
717-576-5983



Senate of Pennsylvania

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APPROPRIATIONS
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EMERGENCY PREPAREDNESS

EMAIL: senatorcollett@pasenate.com
WEBSITE: www.senatorcollett.com
FACEBOOK: facebook.com/senatorcollett
TWITTER: @senatorcollett
INSTAGRAM: @senatorcollett

April 18, 2022

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

Re: Rulemaking 10-223 (Long-Term Care Facilities, Proposed Rulemaking 3) 28 PA Code Sections 201.12-201.17, 201.22, 209.1, 209.7, 209.8 and 211.1; Chapter 201

Deadline: April 18, 2022

Dear Deputy Director Gutierrez:

Thank you for the opportunity to submit comments on Part 3 of the Department's Proposed Rulemaking 10-223, published in the Pennsylvania Bulletin on March 19, 2022, regarding the regulation of Long-Term Care Facilities in the Commonwealth. As I mentioned during the public hearing held by the joint committees on Senate Health and Human Services and Aging and Youth regarding Part 1 of the proposed rulemaking, as a nurse who has worked in long-term care settings, I know many of the struggles that providers are facing and the dedication that their staff has had during an incredibly challenging last several years. We certainly owe all these caregivers a debt of gratitude. But our gratitude alone is not enough.

In order for long-term care facility residents, their families, the public, and the Commonwealth to rest assured that the Pennsylvanians within the care of skilled-nursing facilities are being treated with the highest quality of care, the Commonwealth needs to assure that the following items are addressed:

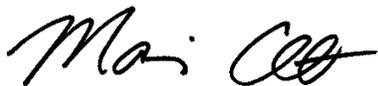
- Ownership transparency – including contact information for all owners, operators, and management of the long-term care facility. This should include information for any company related to any level of corporate ownership structure of the facility which conducts business with or on behalf of the long-term care facility. I am pleased to see that

the Department included language which requires contact information for a person who has or will have ownership or control interests of” the license or the land or building occupied and used as the facility.” The Department should consider expanding this requirement to include any related business of the owner or operator of the facility which conducts business with any level of the corporate structure of the facility, it’s parent or related businesses, the building, or the land on which the facility operates.

- Improved financial reporting – taxpayer funds make up more than 60% of the operating revenue of skilled nursing facilities across the Commonwealth. Providers have long called for additional funding in order to support their residents, but without the ability of the Commonwealth to accurately trace where taxpayer funds end up, the legislature cannot have a clear sense of the true level of need. If the Commonwealth were to require Consolidated Financial Reporting for licensed providers, and all of their related businesses, the legislature can begin to take the necessary steps to articulate any funding gaps in resident care.
- Criteria for evaluating applicants for licensure – I am happy to see that the Department has added Section 201.12a to the proposed rulemaking. Clearly stating that license compliance issues in the Commonwealth or other states in which the applicant operates a long-term care facility will be considered as part of the applicant’s overall evaluation is a key step forward to ensuring that there are quality facility operators here in the Commonwealth. The Department should consider expanding this section to include a publicly available report outlining the Department’s position of approval or rejection of an application of licensure, including any underlying concerns and additional oversight requirements as a condition for licensure if warranted.

I look forward to discussing these suggestions with you in more detail, and if necessary, I am willing to introduce legislation to move these proposals forward. It is my view that the time for an honest, transparent, and public conversation about funding our long-term care industry is long overdue and the elements provided for in this proposed rulemaking, with the addition of these suggestions and consideration of feedback from the various stakeholders who have already submitted comments will help make that conversation a reality.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Collett". The signature is fluid and cursive, with the first name "Maria" and the last name "Collett" clearly distinguishable.

Senator Maria Collett
Democratic Chair, Senate Aging and Youth Committee