



**From:** [Jennifer A. Ebersole](#)  
**To:** [Gutierrez, Lori](#)  
**Cc:** [DH, LTCRegs](#)  
**Subject:** [External] Regulation # 10-223: Long-Term Nursing Care Facilities - Alzheimer's Association Comment Submission  
**Date:** Monday, April 18, 2022 7:32:12 AM  
**Attachments:** [SNF Proposed Regs #3 IRRC Comments \(1\).pdf](#)

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Good morning Ms. Gutierrez,

Please find attached the Delaware Valley and and Greater Pennsylvania Chapters of the Alzheimer's Association public comments to Proposed Regulation #10-223: Long Term Nursing Care Facilities.

Thank you,  
Jen

Jen Ebersole (she, her, hers) | Director of State Government Affairs | Alzheimer's Association | 2595 Interstate Drive, Suite 100, Harrisburg, PA 17110 | office: 717.678.6464 ext 1792 | cell: 717.364.9102 | [jaebersole@alz.org](mailto:jaebersole@alz.org) | [www.alz.org/pa](http://www.alz.org/pa) | 24/7 helpline [1.800.272.3900](tel:18002723900)





May 18, 2022

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

**Re: Rulemaking #10-223 (IRRC#3335): Long Term Nursing Care Facilities, Proposed Rulemaking #3**

Dear Ms. Gutierrez,

On behalf of the Delaware Valley and Greater Pennsylvania Chapters of the Alzheimer's Association, we appreciate the opportunity to submit comments in response to Rulemaking #10-223 (Long Term Nursing Care Facilities, Proposed Rulemaking #2). The mission of the Alzheimer's Association is to eliminate Alzheimer's and other dementia through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. Together, our Pennsylvania Chapters focus on carrying out our mission for the nearly 400,000 Pennsylvanians living with Alzheimer's or other dementia, the 401,000 Pennsylvanians providing unpaid care for them and countless others impacted by this devastating disease.

As the Department continues the process of promulgating proposed regulations to Pennsylvania's skilled nursing facilities, the Department must keep the care needs of residents living with dementia in perspective, considering nearly half (48%) of all nursing home residents are living with Alzheimer's or other dementia.<sup>1</sup> In doing so, we again encourage the Department to consider the principles and facts outlined in the [Alzheimer's Association Dementia Care Practice Recommendations](#) related to dementia care. The care needs of individuals living with dementia are complex and often require a higher level of care than residents without dementia. Dementia is characterized by a group of symptoms that include a decline in cognitive abilities, loss of memory, poor judgment, changes in personality, disorientation and problems with abstract thinking, all of which worsen over time and require individualized and person-centered care plans. Even further, the COVID-19 pandemic devastated long term care settings and it's imperative that Pennsylvania apply lessons learned from these experiences moving forward in this regulatory process. The Alzheimer's Association released a comprehensive set of policy recommendations to [Improve the State and Federal Response in Long Term Care Settings](#) to address the immediate and long term issues impacting care facilities.

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<sup>1</sup> Alzheimer's Association 2020 Alzheimer's Disease Facts and Figures, <https://alz-journals.onlinelibrary.wiley.com/doi/epdf/10.1002/alz.12068>



With the above in mind, the Alzheimer's Association offers the following comments to the referenced sections of Proposed Rulemaking #10-223:

### **Section 201.12**

The Alzheimer's Association appreciates the Department's decision to revise this section to apply to both license applications for new facilities and for a change in ownership. Most notably, we support the expansion of this section requiring prospective owners, and those that have or will have, ownership and management interest to provide detailed financial disclosures, history of ownership, compliance reviews and other documentation to ensure prospective owners are in sound financial standing. We are encouraged that the Department has expressly outlined the process by which it will follow when reviewing and approving nursing home licenses, and that a special unit will be created within the Department with dedicated staff to conduct the type of forensic analysis necessary to thoroughly review the applications and accompanying documentation.

The health, safety and well-being of nursing home residents should be at the forefront of all decisions being made related to their care, and that starts with the people who own and manage each facility. Ensuring owners and managers are capable, responsible and are focused on providing quality care for their residents over making a profit by undergoing a rigorous review process is necessary. So too are the provisions for owners to also include staffing, hiring and training plans to ensure an adequate and competent workforce to deliver quality care. We are pleased to see the Department recognizing these as crucial steps to move forward in this proposal.

That said, the Association believes the Department should ensure a transparent process when it comes to ownership, especially around nursing home sales and changes of ownership. Not only is it essential for the facility to proactively provide notification of sale or change in ownership to the residents, their families, employees and the public; it is equally important for the public to have an opportunity to bring any concerns forward for the Department's review as part of the license approval process. **Therefore, we recommend the Department add language to the final proposed regulations that would adopt a formal public notification and public comment process for all nursing home sales and changes in ownership.**

### **Section 210.14**

The Association strongly supports the change to conduct a facility assessment from once a year, to once per quarter. This allows for review of changes in resident population, resident conditions and staffing levels and competencies. Updating the facility assessment on at least a quarterly basis will allow a facility to properly assess the needs of residents and ensure that residents are receiving the most appropriate care and services.





### **Proposed Amendments to Address Infection Prevention and Control**

The Department noted the intention to adopt the Federal requirements set forth in 42 CFR Part 483, Subpart B as they relate to infection prevention and control. While we appreciate the desire for the Department to create consistency and reduce confusion amongst surveyors by adopting the federal requirements, the devastation that Pennsylvania nursing home residents, their families and staff faced during the COVID-19 pandemic were unforgivable. Pennsylvania has also come a long way to identify lessons learned and to begin to model and adopt best practices focused around infection prevention and control. Most notable is the work currently being done with the Department's Long Term Care Resiliency, Infrastructures Support and Empowerment (RISE) and other initiatives that strive to model and develop best practices coming out of the COVID-19 pandemic, but could also be adopted for any future pandemic-related illness.

The Association recommends creation of a new section under Section 201.22 Prevention, Control and Surveillance of Tuberculosis that would address any future pandemic-related illnesses or outbreak, where the nursing home would be required to follow all currently applicable state and federal regulations, guidance and protocols.

We recommend the following language be added:

#### 201.22a. Prevention, Control and Surveillance of Infectious Diseases.

(a) The facility shall have a written infection control plan with established protocols which address training, risk assessment and management, screening and surveillance methods, identification, evaluation, and treatment of residents and employees who have a possible infection or active case of an infectious disease, and reporting to the Department upon experiencing impediments to implementation of the infection control plan. The Infection Preventionist shall monitor federal and state public health advisories at least weekly for outbreaks and emerging infectious diseases.

(b) Recommendations and guidance of the Centers for Disease Control (CDC) and the Centers for Medicare and Medicaid Services (CMS), United States Department of Health and Human Services (HHS) shall be followed in treating and managing persons with confirmed or suspected pandemic-related illnesses or other infectious disease.

(c) In the response to any outbreak of any infectious virus or disease, the facility shall follow the recommendations, requirements, and guidance of the Centers for Disease Control (CDC), United States Department of Health and Human Services (HHS), and the Department in treating and managing persons with confirmed or suspected cases of the virus or disease.



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(d) The facility must undertake evidence-based best practices for infection prevention, detection, control, and surveillance.

The Alzheimer's Association is committed to advocating on the resident's behalf to ensure they receive high quality care while preserving their overall health, safety and well-being. We would again like to reiterate our profound support to the Department for initiating this long overdue process. We look forward to working with the Department, the PA General Assembly and other stakeholders to move this process forward as quickly as possible.

Respectfully Submitted,



Kristina Fransel, Executive Director  
Alzheimer's Association, Delaware Valley Chapter  
[klfransel@alz.org](mailto:klfransel@alz.org)



Clay Jacobs, Executive Director  
Alzheimer's Association, Greater Pennsylvania Chapter  
[cjacobs@alz.org](mailto:cjacobs@alz.org)

