

3335

Form Letter A 43-200

Stephen Hoffman

From: IRRC
Sent: Wednesday, April 20, 2022 9:07 AM
To: Michelle Elliott; Fiona Cormack
Cc: Stephen Hoffman
Subject: FW: Public Comment – proposed long term care nursing facility regulation – Reg# 10-223
Attachments: SEIU Form Letter 1 - We need transparency.pdf; Reg #10-223 4.15.22-4.19.22.zip

Comments on #3335.

Kathy Cooper
IRRC
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From: DH, LTCRegs <RA-DHLTCREGS@pa.gov>
Sent: Tuesday, April 19, 2022 4:49 PM
To: IRRC <irrc@irrc.state.pa.us>
Subject: Public Comment – proposed long term care nursing facility regulation – Reg#10-223

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Good afternoon,

Attached are public comments received by the Department of Health for Proposed Long Term Care Nursing Facility Regulations #10-223 from Friday, April 15 through the afternoon of Tuesday, April 19, 2022

From Friday, April 15 through the afternoon of Tuesday, April 19, 2022 the Department received 158 copies of the attached form letter we have identified as "SEIU Form Letter 1-We Need Transparency." This form letter is identified on the IRRC website as "FORM LETTER A."

Sincerely,

Lori Gutierrez
Policy Director
Pennsylvania Department of Health
8th Floor West | Health & Welfare Building
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Phone: 717.317.5426
www.health.state.pa.us

Dear Pennsylvania Department of Health,

I am writing to express my support for the Department of Health's proposed regulations to improve transparency and accountability in nursing home sales (<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3346>), and to ask that these regulations be further strengthened to ensure that residents, caregivers and families have a say in who owns the facilities that care for their loved ones. We must ensure that nursing home owners have the experience, stability and commitment to take on that responsibility.

Unfortunately, current regulations fail to achieve this. Irresponsible, profit-driven owners have been a constant source of problems in Pennsylvania's nursing home industry. Nursing home owners are entrusted with the care of our elders and receive taxpayer money to support this care, but too often, resources are diverted from care to pay interest and profits.

This consistently leads to poor resident care — a study last year showed that private equity ownership of nursing homes may have led to 20,000 resident deaths in the past 10 years. It can also lead to disaster. In 2018, a nursing home company called Skyline, operating from a pizza parlor in New Jersey, was allowed to acquire hundreds of nursing homes across the country including 9 in Pennsylvania before suddenly collapsing—leaving workers without paychecks and caregivers purchasing food for residents at their own expense.

The Department of Health's new proposed regulations would help protect both residents and workers by thoroughly vetting anyone seeking to purchase nursing homes in Pennsylvania, including a far more detailed disclosure of proposed owners' regulatory history, financial capacity and corporate structure. The new regulations also grant the Department greater authority to prevent irresponsible owners with long histories of poor care from taking over nursing homes in our Commonwealth.

However, the regulations are missing one crucial component: public transparency around nursing home sales. Residents, families and caregivers have a right to know when a nursing home is being sold and who is planning to buy it—and to know well in advance so that they can bring any potential concerns to the attention of regulators and elected officials. After all, the people best positioned to hold owners accountable are those who live and work in the facility every day. That's why I am urging the Department, in its revised regulations, to:

- (1) Require that notice of proposed sales and information about the new owners be posted well in advance of the sale's approval and completion.
- (2) Require this public notice be posted in the facility and published in a local newspaper as well as presented on a Department-administered website.
- (3) Give input from residents, families, caregivers and community members a formal role in the process of approving sales.

Nursing homes are not financial assets. They are homes, entrusted with the care of Pennsylvania's most vulnerable residents. The Department has a unique opportunity to ensure that those entrusted with the lives of these residents are capable, responsible and focused on care. The current proposed regulations represent important steps in this direction—but only by ensuring that residents, families and caregivers are offered a voice in the ownership of long-term care facilities can we achieve real transparency and accountability here.