Honorables Rachel Levine  
Pennsylvania Secretary of Health  
Harrisburg, Pennsylvania 17120  
Sent Via Electronic Communication

Dear Secretary Levine:

AARP Pennsylvania, on behalf of its 1.8 million members and all older Pennsylvanians, is writing to urge you to move forward on revising Pennsylvania’s nursing facility regulations. This appeal includes addressing the issues raised in the “Recommendations to Improve Pennsylvania’s Nursing Facility Regulations” submitted to you electronically yesterday by a group of stakeholders, including CARIE, Community Legal Services of Philadelphia, David Hoffman & Associates, Disability Rights Network, PA Health Law Project, and the Senior Law Center.

As you are aware, in July 2016, the Pennsylvania Auditor General’s Office released a performance audit of the Pennsylvania Department of Health (DoH) and its mission of regulating long-term care facilities, specifically nursing homes. In releasing his findings, Auditor General Eugene DePasquale noted that the results of the year-long audit “showed weak enforcement of staffing requirements, minimal use of sanctions, and a 2012 decision to stop accepting anonymous complaints as key problems.”

In an immediate response to the audit, DoH reported making operational changes, convened a Nursing Home Quality Improvement Task Force, and advised of its intent to start revising the regulations that govern nursing homes. By September 2016, DoH reinforced that steps were taken in 2015 to reverse the 2012-2014 Corbett Administration decision to prohibit accepting anonymous complaints. Moreover, at that time, DoH committed to working in collaboration with others, including the Pennsylvania Department of Human Services and the State Long-Term Care Ombudsman, to revise nursing home licensure regulations in the Commonwealth, to emphasize person-centered environments designed to advance high quality, high value care and to promote high quality of life among the residents.

Four years have passed and Pennsylvania’s pledge to reform how the state oversees its nursing homes remains unfilled. Remarkably, we are now 256 days and counting into a pandemic that has caused 9,951 deaths statewide, including 6,292 nursing home and personal care home residents, and the long-promised regulations still have not been released. Of the multiple regulation problems identified, AARP Pennsylvania will focus on one key element: staffing requirements. Despite the fact that the acuity of care provided in nursing homes have increased, combined with the reality that federal research recommends a daily minimum standard of 4.1 hours of total nursing time per resident per day, Pennsylvania’s minimum staffing requirement, which has not been updated in over two decade, remains at 2.7 hours.

AARP Pennsylvania agrees with the stakeholders’ observation that the COVID-19 pandemic has spotlighted the ongoing importance of safeguarding the quality of care, quality of life, health, safety and well-being of nursing home residents and staff. Considering the plethora of lessons learned in tandem with the almost unheard of experiences that the pandemic has exposed nursing home staff, residents and their families to, AARP strongly urges you to carefully review and consider the recommendations that have been presented to you before introducing any DoH nursing home regulation package to the Independent Regulatory and Review Commission. We stand ready to work with you on this important area of concern. Please do not hesitate to contact me at 717-210-9446 or tosborne@aarp.org.

Respectfully,

Teresa Osborne  
Advocacy & Outreach Manager  
AARP Pennsylvania