



**Written Testimony of
The Pennsylvania Health Care Association**

**Delivered by
Zach Shamberg
President & CEO**

**Before the
Senate Aging and Youth Committee**

**For a Public Hearing
on the Current Status and Needs of
Long-Term Care Facilities in Pennsylvania**

May 20, 2021

Chairwoman Ward, Chairwoman Collett, members of the Senate Aging and Youth Committee,

Good morning, and thank you for the opportunity to testify today.

My name is Zach Shamberg, and I am the president and CEO of the Pennsylvania Health Care Association, better known as PHCA. We are a statewide advocacy organization representing more than 400 nursing homes, personal care homes, and assisted living communities. We represent the providers, the frontline workers and – most importantly – the vulnerable residents they serve. All of whom have remained at the epicenter of the COVID-19 pandemic.

It was a little more than one year ago, in early May 2020, when we — PHCA, our members, our providers on the frontlines — pleaded for your support. Support for testing, for PPE, for staffing and for emergency funding.

It was truly a moment in time when long-term care providers, their workers and their residents desperately needed resources – yet their cries for help were continually being ignored.

But not from the members of this committee. This committee did something that was almost unheard of at the time here in Harrisburg: you listened, and you acted. And your actions made a real, tangible difference for those during a crisis.

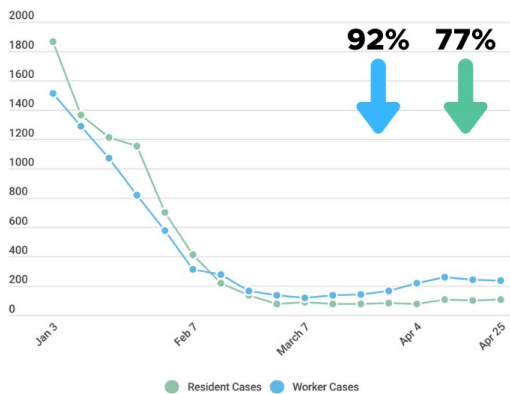
Today will be my fourth opportunity to testify before this committee since the COVID-19 pandemic began. I want to thank our Chairwomen and each member of this committee for truly giving a voice to the long-term care sector, and the providers and healthcare heroes we represent.

I am here today because I know this committee will act, will advocate, will step up in the fight to protect our vulnerable seniors in long-term care.

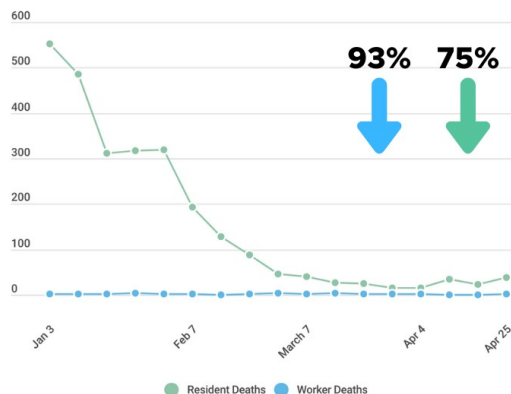
And I can report to you today that the fight is far from over.

But I can also report that real progress has been made and COVID-19 is being contained in our facilities. Case counts have plummeted among our residents since the January surge, with a 92% drop in the average number of weekly cases and a 93% drop in the average number of deaths. Among staff, those averages have dropped nearly 80%. The data is clear: the vaccines have been effective, and with the right resources, mitigation efforts have proven to be successful.

Pennsylvania Nursing Homes: New COVID-19 Cases



Pennsylvania Nursing Homes: COVID-19 Deaths



(These charts plot CDC NHSN data of reported Pennsylvania nursing home COVID-19 cases and deaths)

But every earthquake has an aftershock, and every major storm leaves behind irreparable damage.

As the dust begins to settle from the pandemic, those long-term care providers and workers are now left to look at what remains in their facilities: a depleted component of the healthcare continuum in need of critical, emergency funding; prioritized workforce initiatives; regulatory support; and liability relief.

Believe it or not, 2021 could be an even tougher year for long-term care. But for a very different set of reasons.

Our members - some of whom are leading family-owned facilities that have operated for more than 50 years – are finding it more and more difficult to maintain their operations. These providers – your constituents – have been employers and economic drivers for their communities for decades. But as they attempt to emerge from the COVID-19 pandemic, the residual effects of the past fifteen months have threatened the very care they provide.

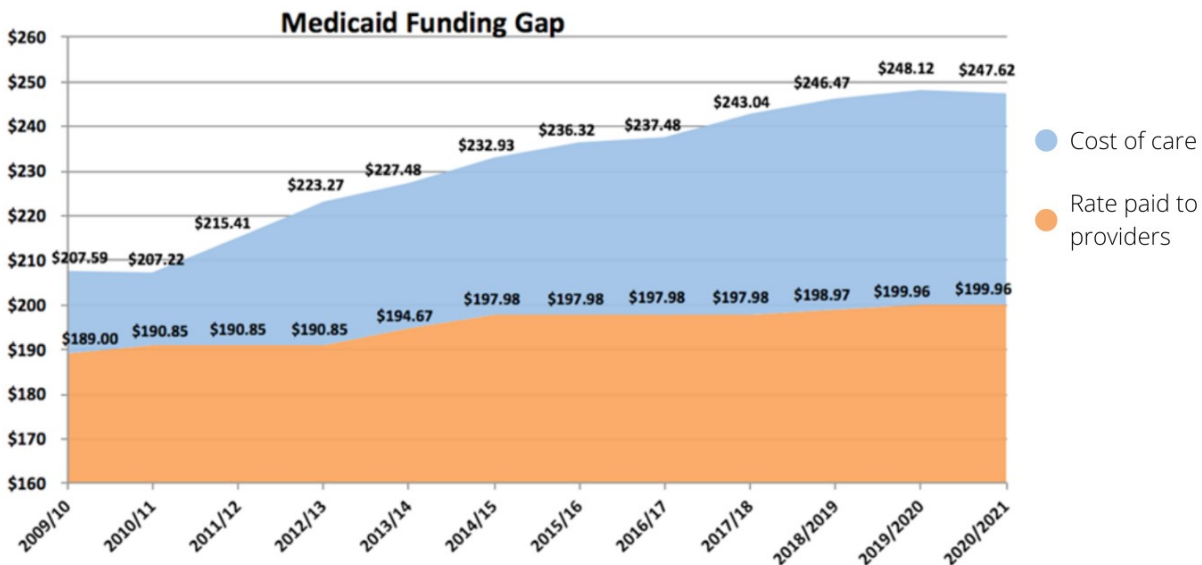
The COVID-19 pandemic exacerbated, amplified and accelerated the industry's underlying issues. It pushed the providers we represent to the brink.

But today, we come to you with solutions. And a call, once again, for your support of an industry that is essential to one of the oldest states, in terms of our population, in the entire country.

First, Pennsylvania's latest federal stimulus package, or the American Rescue Plan, must prioritize long-term care.

Which industry, which provider group, needs a lifeline, or a rescue plan MORE than long-term care in this country?

Skyrocketing costs from PPE, testing, infection control protocols, ‘heroes pay’ and ‘hazard pay’ for staff – all costs that continue today – have made this model simply unsustainable. Compounded with stagnant Medicaid rates, it’s no wonder our nursing home providers are telling us they can’t afford to keep their doors open much longer.



(This chart plots DHS data from the Budget Adjustment Factor workbooks and Nursing Facility Rates files, visualizing the increase in nursing home resident care vs. Pennsylvania Medicaid reimbursement for resident care)

So what happens to the hundreds of workers who are currently employed at a given facility? What happens to the hundreds of vulnerable seniors currently receiving care? If a nursing home closes its doors, where do they go if they can’t be cared for at home?

We don’t know. And Pennsylvania cannot afford to find out.

This American Rescue plan is not about success – it is about survival. When you are considering those latest stimulus funds with your colleagues and with members of leadership, I beg you – on behalf of long-term care – to prioritize those at the epicenter of the pandemic, just as you did with CARES Act dollars in June 2020. You enabled us to push through the storm. Now help us rebuild.

Second, long-term care has not been immune from a nationwide workforce shortage. But we fear – due to the pandemic, and due to the exhaustion, the fatigue, the burnout that we see in so many of our healthcare heroes – that a mass exodus may be coming.

But the issue runs deeper than that. A year before the pandemic, in 2019, our then-Auditor General released a report entitled “Who will care for mom and dad?” Its focus was on the commonwealth’s rapidly growing aging demographic – a growth rate that has dwarfed the number of workers available.

Together, and with the help of the members of this committee, we must reconstruct a new long-term care workforce pipeline, fortify our existing workforce, and ensure providers can invest in the men and women on the frontlines with better wages, benefits and incentives.

But that requires the appropriate investment from state government first.

The third threat is our regulatory climate. Two weeks ago, we testified before the House Majority Policy Committee on the importance of regulatory waivers during the pandemic and we warned against the sometimes daily requirements and directives the long-term care industry receives. Often confusing, often duplicative, often contradictory, we need to ensure paperwork does not take precedence over patients moving forward.

And finally, we must address our legal climate. We've spoken with this committee before about the threat of opportunistic lawsuits in the face of the COVID-19 pandemic. Without protection, which has been granted in more than twenty states throughout the country, long-term care providers face a grave vulnerability after following state and federal directives during the pandemic.



(This graphic provides a compilation of marketing examples used by trial lawyers to recruit COVID-19 lawsuits against long-term care providers)

This committee invited us here today to address the current status and ongoing needs of long-term care in Pennsylvania. As I stated before, the dust from the COVID-19 storm has settled. The pandemic shook the industry we represent to its core. And the concerns I've outlined today — those ongoing needs — will determine if we're back again, testifying before this committee next year. It will determine if our providers — your constituents — can continue caring for our most vulnerable population.

And if they can't provide care...who will?

Thank you.