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March 24, 2021

Alexandra Sacavage, Board Counsel
State Board of Examiners of Nursing Home Administrators
P.O. Box 69523
Harrisburg, PA 17106-9523

Dear Ms. Sacavage:

Thank you for the opportunity to offer comments on the State Board of Examiners of Nursing Home Administrators (Board) Continuing Education (CE) Advance Notice of Final Rulemaking (ANFR) published February 27, 2021 in the *Pennsylvania Bulletin*. LeadingAge PA is a trade association representing more than 370 not-for-profit providers of senior housing, health care and community services across the commonwealth. These providers serve more than 75,000 older Pennsylvanians and employ over 50,000 dedicated caregivers. Our members provide an array of services including nursing homes, which will be affected by the proposed changes to continuing education requirements for Nursing Home Administrators (NHAs).

We appreciate the courtesy of sharing the ANFR, however, we believe that the significant changes envisioned in this final rule make it incumbent on the Board to release the update as a proposed rule rather than as changes to the final rule. Previous commenters would have reviewed a proposed regulation that indicated 36 hours of CEs with no specific hourly requirements on the content, which is quite different from the 48 hours of CE now included in the final rule with 12 hours devoted to emergency preparedness and infection control topics. We therefore respectfully request that the NHA Board return to the process with a proposed rule.

As we stated in comments to the proposed rule, we recognize the significant leadership and the tremendous responsibility NHAs accept to provide the necessary care and services for each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care. While this is the most important duty, NHAs are also responsible for the wellbeing of their employees, the financial soundness of the facility, and compliance with the many state and federal requirements in addition to keeping up with the fast pace of change in this profession. Given these many responsibilities, LeadingAge PA appreciates and supports the Board's determination that 48 hours of CE is needed to keep up with changing requirements, scientific advances, human resources updates, technical and social innovations, business trends, and more.

We respectfully request, however, that the Board refrain from defining a specific number of CE hours per content area. We have considered and cannot support the proposal that 12 of the 48 hours be in the areas of Emergency Preparedness or Infection Control. While these have been extremely important topics in 2020,

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the field of nursing home administration is constantly changing and needs to respond to current issues rather than the past. Further, since the coronavirus was novel, the procedures needed to control it and the guidances provided by government agencies continued to evolve throughout the pandemic as scientists learned more about the disease, its transmission, and prevention. NHAs needed to operationalize these changes at a moment's notice to protect their residents and staff, without regard to whether a CE could be earned for learning and implementing the updates. In this fluid environment, NHAs used all means available to learn how to combat the virus and will no doubt continue this mission whether or not CEs are required or given. While emergency preparedness and infection control and prevention will continue to be important content areas, it is likely that other topics will move to the forefront in upcoming years. For example, in the aftermath of the pandemic, NHAs may need to focus more on the entity's financial viability and the staff and residents' mental health as they recover from the pandemic.

In addition to the ever-changing environment in which they practice their profession, the varied backgrounds that NHAs bring to their roles make it important to allow each NHA to determine the areas in which he or she needs education. For example, a person with a strong financial background such as an accountant who becomes an NHA may need more health-related CE than an NHA who is an RN, while an NHA who is an RN may need additional CE on budgeting and financial issues. NHAs as professionals are responsible to identify the topics in which they need additional education. Finally, for some content areas, identifying experts to teach can be difficult. An overly prescriptive education plan may make it difficult if not impossible to attain high quality needed education in the required content areas and will reduce the NHA's options to attain the education they need. For all of these reasons, we urge the Board to resist the temptation to mandate a predetermined number of hours in specific content areas.

Finally, we request that the Board clarify whether it intends to retain the other changes indicated in the proposed rule not discussed in the ANFR. Further, we request that the Board clarify whether it intends that the allocation of CEs for authoring publications will remain the same as they are in current regulations as the description in the ANFR is not easy to understand. Please note in our comments on the proposed rule our support for increasing the proportion of CEs that can be received through authoring publications, serving as an instructor or as a supervisor in a Board approved Administrator In Training (AIT) program.

For sections of the proposed rule that the Board does not intend to change between proposed and final, please see our [comments](#) on the proposed rule.

Thank you again for the opportunity to comment on the Board's intended changes to Pennsylvania's NHA continuing education requirements. We look forward to continuing to work with you as this regulation continues through the regulatory process. If you have questions about our comments, please contact me.

Sincerely,



Beth Greenberg
Senior Director of Regulatory Affairs
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