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September 8, 2022

The Honorable Martin T. Causer  
Majority Chairman  
House Republican Policy Committee  
147 Main Capitol Building  
Harrisburg, PA 17120-2067

Dear Chairman Causer & Members of the House Republican Policy Committee:

On behalf of the membership of LeadingAge PA, which is comprised of more than 370 aging services providers across the long-term care continuum, thank you for the opportunity to comment on the Pennsylvania Supreme Court's recent rule change regarding venue shopping in medical liability cases. Pennsylvania's long-term care community is deeply concerned about the court's recent decision to once again allow claimants to file lawsuits in high-verdict jurisdictions not related to the case. This threatens to further increase healthcare costs for senior services that have suffered from historic underfunding, as well as bring more uncertainty to the health care sector and ultimately restrict access to care for Pennsylvania's seniors.

Since the beginning of the COVID-19 pandemic, the cost of care has increased due to PPE, wages, administrative burdens, supply chain issues, and inflation. Long-term care providers are thankful to the Pennsylvania General Assembly for supporting the long-awaited Medicaid funding increase in the 2022-2023 state budget. This funding for long-term care was seen as a step in the right direction toward helping providers ensure older Pennsylvanians have access to needed care and services. This reversal to the venue shopping rule stalls that positive momentum and, instead of breathing a sigh of relief, providers now must prepare to account for impending increases for liability insurance as a direct result of this change. The state must take action to ensure that the work the General Assembly has done in the recent budget to support long-term care will not be in vain.

Even prior to the pandemic, the funding increase, and this rule change, long-term care providers have been facing financial and workforce challenges for years, causing them to take beds offline and reduce the number of residents admitted into their communities. Since 2018, nearly 1,000 beds in Pennsylvania were decertified according to the Centers for Medicare and Medicaid (CMS). In a survey of LeadingAge PA members, the number of beds being taken "offline" due to lack of funding and staffing increased fourfold from 2019 to 2021. Action must be taken to overturn this rule change and ensure providers can meet the needs of Pennsylvania's growing senior population.

LeadingAge PA thanks you and the committee for the opportunity to highlight the impact the Pennsylvania Supreme Court's recent rule change will have on long-term care. We believe Pennsylvanians deserve the best long-term care system in America; we are at a critical point where the barriers the aging services sector faces must be removed, not added, so that access to care is not put at further risk. LeadingAge PA supports efforts to overturn the venue rule change and looks forward to working with you and your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Garry Pezzano", written in a cursive style.

Garry Pezzano  
President and CEO, LeadingAge PA