



## **Lawsuit Q&A**

### **What laws are being violated by the Wolf administration?**

- Act 25 of 2003 authorized the Department of Human Services (DHS) to impose annual assessments on licensed nursing home providers to help seniors on medical assistance. Our members pay into this fund.
- The federal government also provides funding based on this assessment.
- This year, the Families First Coronavirus Response Act, or the first federal stimulus, specifically increased federal dollars and the federal match by 6.2% to help fight the COVID-19 pandemic.
- In all, this equaled approximately \$153 million that was to be directed to nursing homes throughout PA.
- This means the Wolf administration should have provided more than \$153 million in funds that would be used to battle a once-in-a-century pandemic. Despite clear state and federal law, the administration has refused to pay this.

### **Why is the Wolf administration refusing to pay?**

- The Wolf administration wants to use the \$153 million to fill holes in the state budget. State and federal laws are clear: these funds are to be used to help nursing home providers serve and care for their residents.

### **Have there been discussions between DHS and nursing home providers?**

- Since March, provider associations have negotiated in good faith with DHS. DHS has only offered approximately half of the \$153 million – and that took months to finalize. Their offer is a clear admission that these funds are owed to providers.
- Instead, DHS is making its own decisions with respect to how nursing facilities are funded, contravening existing laws.
- Doing this during an historic pandemic – and at a time when our commonwealth and nation are experiencing a second COVID19 surge – is unconscionable and puts the lives of seniors at risk.

### **Why are you filing this lawsuit?**

- Setting aside that the administration is clearly ignoring the law and using money to fill their budget gaps – we're doing this to protect our employees on the front-lines and

save the lives of frail Pennsylvania seniors in our care. Our front-line staff desperately need PPE and other protections as they risk their lives every day. Every possible dollar should be spent to protect them and our seniors.