

How Can a Nursing Home Owner Accept Payment For Services done on Shabbos?

**Rav Yosef Kushner**

**Question:** If a Jew owns a nursing home that provides services, such as therapy, on Shabbos, how is he allowed to accept payment for those services?

**Answer:** If a Jew would own a hotel, accepting payment for Shabbos would not be a problem, as the renter also is paying for access to the room before and after Shabbos, which would render the payment to be *havlaah*. Services provided in a nursing home would be a bigger problem if the entire service is done on Shabbos and paid for separately. There are two *heterim* used to permit this. One is based on a Nodah B'Yehuda that says that if reimbursement for expenses can be factored into the payment, that is also considered *havlaah*. For example, if someone owns an automated laundromat and makes \$4 per load of laundry, he does not actually make \$4 profit as he has to cover the expenses of water and electricity for each load. Thus, he only actually makes \$3 profit. Since each load contains both an aspect of profit and an aspect of covering expenses, the Nodah B'Yehuda rules that the profit can be considered to be "absorbed" in the overall payment and is not a problem of *Schar Shabbos*. It might be suggested that this leniency can be applied to the service offered in the nursing home, as the owner has the expense of paying for the therapist. On the other hand, it isn't clear if the therapist's salary can be considered an expense necessary to make the profit, as the owner technically could do this job himself if he wanted to save money.