

Original: 2294

ATTN: INDEPENDENT REGULATORY REVIEW COMMISSION

RE: DEPARTMENT OF PUBLIC WELFARE
PROPOSED CHAPTER 2600 REGULATIONS
PERSONAL CARE HOMESFROM: RHONDA L. LAYMAN, RN, ADMIN.
RIDGEVIEW RESIDENTIAL CARE
122 RIDGEVIEW ST.
YOUNGWOOD, PA 15697
PH: 724-925-0212 FAX: 724-925-2781RECEIVED
2004 NOV 19 AM 11:05
INDEPENDENT REGULATORY
REVIEW COMMISSION

30

I urge you to **STOP** the passage of Chapter 2600 Regulations!For several years there has been an attempt to pass legislation to **OVERREGULATE** the Personal Care Home industry in Pennsylvania. The passage of such regulations would ultimately put many good homes out of business and displace thousands of residents.Personal Care Homes are a **SOCIAL MODEL** licensed by the Department of Public Welfare – Office of Social Programs. These regulations are a move toward the **MEDICAL** model of care as our nursing homes follow. We know that overregulation does not equal quality care!These regulations are **COST PROHIBITIVE** for several reasons:

- New building requirements without grandfathering
- Excessive training
- Cost of implementing a quality management program

The cost of implementing these regulations would be passed on to the resident and their families. This would put personal care out of reach for most current residents and prospective residents. The result – Many elderly living home alone in an unsafe environment or with adult children who are unable to provide 24- hour supervision!

I believe that the **STRONG** enforcement of our current regulations, Chapter 2620, would serve to better protect the health, safety and well-being of our residents.**PLEASE DO NOT ALLOW THESE REGULATIONS TO PASS!!**

Respectfully,



Rhonda L. Layman, RN, Admin.

33

IRRC

From: Charles B Bud Titel Jr [chast36@hotmail.com]
Sent: Friday, November 19, 2004 3:52 PM
To: IRRC
Subject: Regulations governing Personal Care Homes

I am writing to you to reconsider the new regulations proposed by the Department of Public Welfare for Personal Care Homes.

My first question is Who is going to pay for all of these changes ? I don't believe that the DPW realizes what burden they are placing on the personal care homes, the residents of these homes and the familys of the residents.

If the state is trying to put personal care homes out of business, where would the residents go? Nursing homes are 3 to 5 times the cost of a personal care home and most of the residents receive less than \$1000. per month, is the state going to pay the differences? It doesn't make sense.

I feel that not enough thought or investigation has gone into this.

Charles B Titel Jr
136 Laurel Lane
Latrobe, Pa 15650

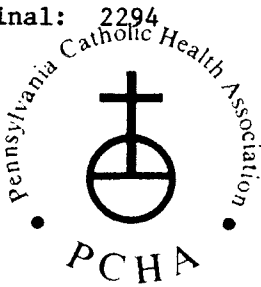
P.S. My wife has been a resident in a personal care home for the last five years, if she would have to move to another facilaitie would be good for her health and well being.

s

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11/22/2004

Original: 2294



Pennsylvania Catholic Health Association

223 North Street, Box 2835, Harrisburg, PA 17105

717-238-9613 • FAX 717-238-1473

pcha@pacatholic.org

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2004 NOV 23 AM 8:50
INDEPENDENT REGULATORY
REVIEW COMMISSION

Sister Clare Christi Schiefer, OSF
President
November 19, 2004

John R. McGinley, Jr.
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Regulation #14-475 relating to personal care homes

Dear Mr. McGinley:

On behalf of the Pennsylvania Catholic Health Association (PCHA) and the Pennsylvania Catholic Conference (PCC), I write in reaction to Regulation #14-475 relating to personal care homes.

The Pennsylvania Catholic Health Association, an associate of the Pennsylvania Catholic Conference, is a statewide organization that represents the Catholic health ministry in public policy matters. The Pennsylvania Catholic Conference is the public affairs arm of the Pennsylvania Catholic bishops and their ten (10) dioceses that speaks for the Church in public policy matters affecting the common good and its ministry interests concerning morality, health, welfare, education and human and civil rights.

PCHA and PCC join in support of the response to the final rulemaking provided by PANPHA in its November 7, 2004 letter to you. PANPHA has highlighted concerns which PCHA and PCC share. We encourage your special attention to the points raised by PANPHA, since they will place significant administrative and cost burdens on providers of senior services. The regulations may also have the potential to result in reduced access for low income Pennsylvanians who need personal care services.

PCHA's members agree with PANPHA that the existing regulations for personal care homes needed to be updated. **Because so many provisions in this final form rulemaking are inconsistent, unclear and burdensome, however, PCHA and PCC urge the Independent Regulatory Review Commission to disapprove this regulation in its present form unless concerns expressed are addressed.**

Thank you for your attention.

Sincerely,

Sister Clare Christi Schiefer, OSF

Sister Clare Christi Schiefer, OSF
President

SCC/mjs

cc: Members, House Health and Human Services Committee
Members, Senate Public Health and Welfare Committee
PCHA Board of Directors
PCHA Members
Mr. Ronald Barth
Richard E. Connell, Esq.
Dr. Robert J. O'Hara, Jr.
Ms. Carolyn M. Astfalk

01943.wpd

The Pennsylvania Catholic Health Association (PCHA) is a statewide organization whose membership is comprised of twenty-four Catholic hospitals, thirty-six long-term care facilities, numerous multi-facility health systems and other related health care entities, sponsoring religious congregations and dioceses. PCHA provides support for the Catholic health ministry through Gospel witness in advocacy, communication, education and united action.

An Associate of the Pennsylvania Catholic Conference

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Original: 2294

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2004 NOV 18 AM 10:44
INDEPENDENT REGULATORY
REVIEW COMMISSION



Senior-living Community
One Woodcrest Circle
Scottsdale, PA 15683
724-887-3773
Fax: 724-887-7659

November 18, 2004

Independent Regulatory Review Commission
Fax 717-783-2664

RE: Personal Care Home Regulations 2600

I am the administrator of a senior living community for both independent and personal care residents. We have had deficiency-free inspections. I am writing to you to express my concern about the new 2600 regulations.

I feel the advocacy outcry for reform stems from incidents at a few personal care homes. I feel the current regulations are adequate if adequately enforced. DPW has that power. Homes that are not in compliance should be brought into compliance or closed. Eliminate the problems with the bad personal care homes – do not punish the industry.

Personal care homes were designed to be social, not medical model – “home”, not skilled nursing or hospital. Requiring a nursing degree or nursing home administrator certification for an administrator sounds medical. Requiring more stringent annual training for administrator and staff than required in a nursing home sounds medical.

For us to implement the proposed changes will be a tremendous financial burden, one I do not think we can absorb, and one which our residents cannot afford. Although I have been unable to put firm figures together, it appears that the figures suggested by DPW are significantly underestimated. We are fortunate in that our building meets the structural and space requirements, but many good older or smaller structure personal care homes will be unable to comply and will be forced to close, displacing many personal care residents, many who have called these places home for a long time. My father-in-law received good care in one of these small homes, and I would hate to think it would not be available to others.

I hope that you will reconsider what appears to be over-regulation.

Sincerely,
Judy Fretts
Judy Fretts, Administrator

Original: 2294

IRRC

From: Sheree McDevitt [easylivingestates@mail.com]

Sent: Thursday, November 18, 2004 8:27 AM

To: IRRC

Subject: Regulation 2600 Personal Care Homes

You have in your possession,

Annex A
Title 55. PUBLIC WELFARE
PART IV. ADULT SERVICES MANUAL
Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES
CHAPTER 2600. PERSONAL CARE HOMES

This regulation is dangerous to the residents in all personal care homes. It will make it unaffordable to over 20,000 (10,425 SSI , the average PCH resident in the 3 facilities I work at - pays around \$1700.00 we will not be able to keep them for that price any longer. Other personal care homes charge less than that presently, my estimate is 10,000 additional residents added to SSI) residents who will have to find an alternative place to live. The SSI recipients will undoubtedly be homeless. I have written just a few of the costs involved, I could list pages and pages but I just did a few so you can see how detrimental this regulation is. Remember all costs to the personal care home are passed on to the residents.

With just 3 areas of concern

I have come up with \$67,690.00 more per year per facility.

Who will pay for this?

By the way I do not own a Personal Care Home I work in them
and I can see the damage of this regulation.

Thank you for your time,

Sheree McDevitt, Assistant Administrator

Easy Living Estates.

724-493-4362

1 Easy Living Drive

Hunker, PA 15639

easylivingestates@mail.com

11/18/2004

Annex A
 Title 55. PUBLIC WELFARE
 PART IV. ADULT SERVICES MANUAL
 Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES
CHAPTER 2600. PERSONAL CARE HOMES

This regulation should not be passed!

Cost:

TRAINING

Administrator Training	40 increased to 100 Hrs.	\$2,000.00/yr
Admin. Continuing Education	6 Hr. increased to 24 Hrs	\$500.00/yr
Admin. Designee (min. 3 needed)	24 Hour available	\$7,500.00/yr
Direct Care Staff Training	48 hr. training	
	\$500.00/person (ave. 50/yr)	\$25,000.00/yr
Direct Care Continuing Ed.	12 Hr. at \$250.00/staff	
	12 staff	\$ 3,000.00/yr
Fire Safety Training	by a professional	\$ 440.00/yr
		\$38,440.00/yr

Just a realistic basis – volunteers, temporary and turnover of Administrator designee not accounted for.

INTERNAL COMMUNICATION SYSTEM

A Communication System	Walkie-Talkie, 24hrs/day, with rechargeable batteries. 2 sets will be needed so they can be recharged. They will need to be replaced twice a year based on our current hand-held phone service.	\$ 250.00/yr
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Fire Alarms for residents w/ hearing impairments

Strobe/Vibrating System	\$170 per strobe/vibrator system. All beds will need this. 90% are hearing impaired. Every bed will need one and wired 100 beds X \$170.00 = \$17,000 plus \$50,000.00 or wiring	\$17,000.00/yr \$50,000.00 one time charge
Smoke Detectors	One in each room needs tested every month at \$20.00 per unit 50 rooms. Does not count installation, problems & repairs.	\$12,000/yr

These are just a few of the problems that will make this unaffordable and over \$20,000.00 (SSI & low cost private pay, up to \$18,000) residents

WILL BE WITHOUT A HOME!

We are now serving 53,240, that's about half!
I have heard many other estimates as high as 75%.

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<http://www.mail.com/?sr=signup>

Original 2294

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IRRC

From: ARKANEX@aol.com
Sent: Friday, November 19, 2004 5:37 PM
To: IRRC
Subject: new PCH regulations

Ark Senior Services
105 Sandra Drive
Delmont, PA 15626
724-468-6200

November 18, 2004

We are a 70-bed personal care home in Westmoreland County, PA. We believe the final form regulations are inconsistent, unclear and burdensome-and will have a profoundly negative impact on personal care for elderly Pennsylvanians. We are strongly urging you to report a Concurrent Resolution Disapproving the Regulation, 55 Pa. Code, Chapter 2600, Personal Care Homes for the following reasons:

1. Social vs. Medical Model

These regulations mirror existing regulations for long-term care facilities 28 Pa. Code, while by definition, residents of a PCH are individuals "who do not require the level of care provided by a hospital or long-term care facility." Over-regulation does not equate to quality of care. Excessive paperwork actually reduces the quality of care, due to staff time involved and greatly increases the cost, which is passed on to the resident and family.

2. Fiscal Impact

The cost of the building requirement without grandfathering, the cost of implementing a quality assurance program, which is a standard in a medical model, and the cost of excessive training requirements, for administrators and our staff, prior to employment and annually, are economically prohibitive. These excessive costs must be passed on to the residents and their families and will make personal care out of reach of the private pay sector because the costs will be comparable to nursing home rates. These new regulations will eliminate our ability to accept SSI residents, which is who we have built our home around.

3. Enforcement

Excessive rulemaking is not needed to protect the health, safety and well-being of personal care home residents. Increased enforcement of the current regulations would strengthen health and safety concerns. Adding inspectors to enforce current regulations would add no cost to the residents and minimal cost to the state as opposed to the exorbitant cost of the proposed regulations.

4. Inconsistencies

There are several examples of inconsistencies in the final form regulations, including:

- Two different timeframes for completing support plans
- Fire drill procedures, i.e. we must complete a fire drill within 5 days of a new employee start date, but only one drill per month is required.
- Facilities are required in Act 185 (PCH Statute) to discharge residents who need the care "in or of a nursing home", yet under these new regulations, they no longer have the authority to discharge a resident without physician or government intervention.

We are appalled by the silent actions to have the regulations approved during a lame duck and shortened legislative session. Hundreds of thousands of Pennsylvanians (residents, families, providers, employees and their families) will be adversely affected without a representative voice. Please do not allow these regulations pass due to your inaction!

Respectfully,

Ark Senior Services, Inc.
Staff and Administration

Jesse Loughner, Staff Member
Theresa Coleman, Lead Aide
Jennifer Kastner, Senior Aide

11/22/2004

Michelle, Cline, Senior Aide
Rochelle Clezher, Staff Member
Danielle, Butera, Staff Member
Kimberly Dumbaugh, Staff Supervisor
Andrea N. Bach, Assistant Administrator

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Original: 2294

IRRC

From: Sherry Andreo [bristolhouse1@alltel.net]

Sent: Thursday, November 18, 2004 11:30 AM

To: IRRC

Subject: Chapter 2600 Final Form Regulation PCH

Please accept the attached letter as written comments and concerns that I have about the final form regulations for Personal Care Homes. Thank you

11/18/2004

I am writing to voice my personal concerns about the final form regulations for Personal Care Homes chapter 2600. I am the President of the Westmoreland County Personal Care Home Administrator's Association (WCPCHAA). As I support all of the comments and concerned voice by the WCPCHAA, I would like to add several points of concern.

We all agree that the PCH profession and services that are provided has changed over the last decade and it is time for the regulations to be updated; however, it is not necessary to change the profession. Chapter 2600 does change the profession because PCH will no longer follow the social model it will become a medical model. PCH will look like **cookie cutter facilities not Homes**. Residents will **not have choices** because the facilities will be **over-regulated** not allowing flexibility of services or the manner in which services are provided.

I am confident that you have heard the concerns about the cost of implementing these regulations, which will definitely put the **family owned and operated Home out of business**. These are the Homes serving 9 – 24 residents and paying \$1200- \$1800 per month. So, this problem goes beyond the small 8-bed facility and the SSI resident. This is the group of people that worked hard all of their life making middle class wages and saved what they could save.

The regulations are very inconsistent and unclear. Currently, we face the problem of interpretation and the Department has even written *Interpretive Guidelines of Chapter 2620*. I do not want to see the same problem again and face having the need for Interpretive Guidelines because **the regulations are unclear and/or inconsistent**. As a provider, it is very difficult to get a variety of interpretations and still comply with the person giving the interpretation. While I personally believe, the PCH profession must have flexibility to ensure the best care for the population a home serves; I do not agree that regulation should be so complex that interpretation is needed.

Again, the concerns that you have all ready heard are critical points that I would ask you to disapprove these regulations. They are **NOT** going to enhance the quality of care nor guarantee that Homes will provide more safe environments and greater services for the health and welfare of residents. **The Homes will be putting their efforts into making sure all the excessive paperwork is completed and sitting in a classroom for training** that will not be used because the staff will not have time to provide the care.

Please consider these concerns and disapprove final form regulations Chapter 2600. Thank you for your time.

Respectfully submitted,

Sherry Andreo, M.Ed. M.S.W.
Bristol House PCH
100 Bristol Lane
Irwin PA 15642
Westmoreland County
724-744-1335

Original: 2294

Rose Manor Personal Care Home

9176 Route 119 Highway South ~ Blairsville, Pa. **RECEIVED**
Phone 724-248-1444 ~ Fax 724-248-1444

2004 NOV 23 AM 8:51

INDEPENDENT REGULATORY
REVIEW COMMISSION

November 18, 2004

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pa. 17101

To Whom It May Concern:

I currently own and operate a small personal care home which is located in Indiana County and licensed for six Residents. I have been in business since April of 1997, and have many years prior to that in the personal care industry. To date I have had citation free inspections and cordially invite any of you to visit my home unannounced any time of the day or night. That statement surely has to tell you sight unseen what type of person I am and the type of home I have.

I am very discouraged and disheartened to find myself two years later back at the drawing board with the proposed new regulations, fighting not only for myself and my Residents, but for the survival of the personal care industry as a whole.

I could take the time and go into all the financial reasons as to why this is not feasible for anyone, large or small, but I feel it would fall on deaf ears as it apparently did two years ago. Obviously the people who have proposed and written these regulations had a different math in school than I did, because they're projections are so very WRONG.

Our seniors have been a vital part of our communities and I think the message these new regulations are sending them is, you will no longer have the choice of a small, medium or large home, we are going to "warehouse" you and that is exactly what will happen should these proposed regulations pass as they are written. Surely the people who call themselves the "ADVOCATE" for the elderly feel they deserve better than that.

I ask that you think long and hard about these regulations and ask yourself are they really going to improve the Personal Care Industry and the answer is a definite NO!

Respectfully Submitted


Elizabeth Kitzmiller
Owner/Operator

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ATTENTION !!

ALL SENATOR'S & REPRESENTATIVE'S

WE NEED A CONCURRENT RESOLUTION FOR TITLE:55 CHAPTER 2600 FOR PCH'S.

LEGISLATIVE OPERATIONS
REVIEW COMMISSION

2004 NOV 18 PM 3:41

RECEIVED

WE CANNOT AFFORD THE COST OF ALL THE CHANGES, DUE TO THE NUMBER OF SSI RESIDENTS THAT WE SERVE ACROSS THE STATE. WE NEED MORE MONEY TO CARE FOR THEM AS WELL AS MONEY FOR THE CHANGES. PLEASE DONOT MAKE ALL PCH'S PAY FOR THE LESS THAN 1% BAD HOMES. GIVE DPW MORE INSPECTOR'S TO DO THERE JOB.

**WE ARE NOT NURSING HOMES, WE
DONOT RECEIVE FUNDING LIKE A
NURSING HOMES, WE OBJECT TO
THE MEDICAL MODEL & THE
REGULATIONS.**

SINCERELY,

**RICHARD E. DETAR DC
CAROL ANN DENALE MSN RN**



SAVE OUR JOBS ! WE
GIVE "QUALITY" CARE
TO OUR RESIDENTS !

ROSEWOOD MANOR PCH
GREENSBURG, PA 15601

STOP BILL 2600 TODAY !!!

STAFF:

Melanie Carrington LPN
Connie Hill
Christine Hill
Nebra Jace

Andrea Chernock
Roberta S. Polovina
Mary Doughty
Queen Bonam

Louise Pacey



*Margaret King
Bert Smith
Alberta House
Ethel P. Mygale*

Albert P. Garner

Mark Alan Council

Jackie Parries

John Ryan

Katharine F. Gettel

SAVE !!

**OUR HOME:
ROSEWOOD MANOR PCH
IN
GREENSBURG, PA 15601**

STOP BILL 2600 TODAY !!!

RESIDENTS:

*Joyanne Brown
James F. Eichel*

*Alice Louise Eberhart
Phyllis
Ludwickova*

Edythe Compton

*Sandy Brubaker
Mary K. Vargo*

Original: 2294

Fax Cover Sheet

ROSEWOOD MANOR
 322-324 N. PENNSYLVANIA AVE.
 GREENSBURG, PA 15601
 724-837-1410
 FAX & OFFICE 724-836-5683

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 2004 NOV 18 PM 3:41
 REGULATORY
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Send to:	From: <i>RWYM</i>
Attention:	Date: <i>11-18-04</i>
Office Location:	Office Location: <i>322-324-N. Pennsylvania Ave</i>
Fax Number:	Phone Number: 724-836-5683

- Urgent
- Reply ASAP
- Please comment
- Please Review
- For your information

Total pages, including cover:

Comments:

See attachments!

Thanks

26

Review of Regulations – PCH#14-475(2294)

Dear John McGinley:

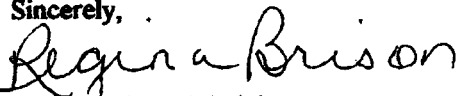
I am urging you, the legislature to convey our concern about the Personal Care Regulations to your leadership, the House Health and Human Services and Senate Public Health and Welfare Committees and the Governor's Office. There are some inconsistencies caused by the rush to meet the November 4th deadline, such examples are as follows:

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2004 NOV 18 PM 4:42
INDUSTRIAL RELATIONS
REVIEW COMMISSION

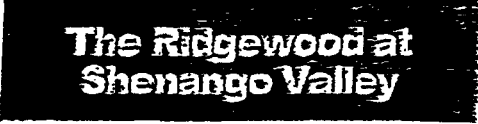
1. Two different timeframes for completing a support plan are included within the regulations. Which one do we use?
2. Every facility must hold a fire drill within five (5) days of new employee starting. However, they also are required to hold no more than one fire drill a month. How do they fulfill the 5-day requirement without exceeding the one-a-month requirement? Is it the Department's intent to continually disrupt the lives of our residents, some of whom would be harmed by continued home "evacuations" during drills?
3. Faculties are required in Act 185 (PCH) Statute to discharge those residents who need the care "in or of a nursing home," yet under these regulations they no longer have the authority to discharge a resident without physician or government intervention.

These regulations will also result in reduced access to personal care for Pennsylvanians with very low incomes. Some homes will be able to pass these additional costs onto their private pay residents. However, those that serve predominantly low-income SSI residents are already losing money each day. Additional costs will place them further in the red, forcing some to close. Also the time and expense burdens may very well put good facilities out of business, but the Department paid little attention to additional costs. Currently, homes serving low-income residents eligible for SSI receive \$29.80/day from the resident for their care, when their true costs often exceed \$60.00/day. These regulations require that providers meet significant additional requirements with no additional dedicated state funding. Legislators must weigh the human "price" of the regulation on our most vulnerable citizens.

It is very clear that these regulations were hastily drafted and is not yet "ready for prime time."

Sincerely,

Regina Brisson Administrator
The Ridgewood at Shenango Valley

One Elkton Way, Hermitage, PA 16148 FAX (724) 347-2243



TO: JOHN MC GINLEY

FAX: () 717-783-2664

FROM: RIDGEWOOD @ SHENANGO

VOICE: (724) 347-0998

One Elkton Way

FAX: (724) 347-2243-STAFF BASE

Hermitage, PA 16148

FAX: (724) 347-4213-OFFICE

NUMBER OF PAGES (INCLUDING THIS COVER) 2

NAME OF SENDER: Regina Brisson DATE: 11-18-04

DEPARTMENT: _____

MESSAGE: _____

REGULATORY
VIEW COMMISSION

2004 NOV 18 PM 4:41

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Original: 2294

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2004 NOV 22 AM 9: 27

INDUSTRIAL HAZARDOUS WASTE
REVIEW COMMISSION

November 18, 2004

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To Whom It May Concern:

If I should awaken tomorrow morning and find myself in possession of vast wealth, the first thing I would do is purchase a motor vehicle. The next thing I would do is hire a driver to be available on 24 hour demand. To my way of thinking, this is a great idea, because I suffer from congenital blindness. These acquisitions would undoubtedly improve my quality of life. However, the reality of my situation is such that I do not see this happening any time soon.

The whole point of the previous paragraph is this. The Department has developed an excellent set of regulations, whose implementation is financially impractical. The cost incurred by facilities meeting the new regulations would not significantly improve the quality of life of Personal Care Home residents. In the following paragraphs, please allow me to outline some of the proposed regulations that would effectively close our facility. In your own statistical analysis of Pennsylvania's Personal Care Home population, you stated that 20% of the commonwealth's personal care home residents are Personal Care Home SSI supplemental recipients. This fact alone does not appear as though it would be a major factor in the costs of implementing your proposed regulations. However, the reality of the personal care home population receiving the SSI supplement is this:

Personal Care Home residents receiving the supplement generally live in facilities whose Personal Care Home supplements populations range from 40% to 90%. So, you would by the implementation of your regulations effectively close a large number of personal care homes. I have not seen statistics but it may behoove your office to look at this issue in a different light.

From my reading of the proposed regulations, it appears that the Department of Welfare has an overwhelming desire to professionalize and upgrade the quality of staff. No one can argue with this lofty goal. I, for one, am pleased that the Department has taken it upon itself to recommend that persons holding the position of Administrator possess more pre-requisite training and a demonstrated knowledge through successfully passing a competency exam prior to being issued a Personal Care Home License. I also believe it to be admirable that the department recognizes the work, dedication and acquired knowledge of those who have worked in this field by allowing them to retain their Personal Care Home Administrator License if held prior to December 1, 2004. I have only one objection to the departments proposal concerning Administrator Licensing. The expectation that administrators increase their annual continuing education hours from 6 to 24 is extreme. A workable alternative to this would be an annual

requirement that all personal care home administrators receive 12 hours of continuing education. These hours would be dedicated to specific areas of training and development, mandated by the department to increase the knowledge of personal care home administrators. Subjects would be chosen based on department indicators of service deficiencies of personal care homes, gleaned through the licensing process.

Although I realize that I am stepping out on a thin limb, with regards to this next item, I feel that the step must be taken. The department has recommended a major overhaul in the amount of training provided to direct care workers before allowing them to be employed in personal care homes. The ideas proposed when read in offices by department staffers and/or state regulators sound wonderful. In fact, no member of the general public, being presented a synopsis of the departments proposed regulations in their local newspaper, would find fault with them. Most readers would applaud the departments effort and feel secure in the knowledge that their relatives residing in personal care homes would be taken care of by highly skilled persons as a result of an increase in training standards for direct care workers. The dark side to this issue is that many personal care homes (it has been estimated 40%) would be forced to close because they cannot bear the increased burdens imposed upon them as a result of excessive staff training requirements. The homes that would be forced to close are those providing care to the 20% of the commonwealths personal care homes SSI supplemental population. In 2005, the personal care home supplement is scheduled to be increased by \$15 a month (approximately 50 cents per day).

There is also another segment of the personal care home population, whose incomes are slightly above the SSI amount. However this group is financially worse off when seeking placement in a personal care home. The reason for this is that they do not qualify for medical assistance to cover the cost of their prescription medication. So even with PACE for those who qualify, based on age, the amount that they can spend for their care often times ends up being less than \$900 a month. The departments proposal that all staff prior to being allowed to work in a personal care home receive 24 hours of training is excessive. In my experience, no personal care home administrator with whom I have been associated, would allow a new staff member to be placed in a personal care home without being comfortable knowing that he or she has been adequately trained by the administrator and his/her staff. The excessive training required by the department will ensure that employees will be unavailable for hire in Personal Care Homes. Rather than seek employment in Personal Care Homes, potential employees will flock to Wal Mart, fast food restaurants, or convenience stores for similar rates of pay.

Personal Care Homes currently experience problems recruiting and hiring sufficient staff. Having a long delay between the hiring and direct employment of staff would cause two problems. The first one being excessive amounts of overtime being paid to currently employed staff. The second one would result from the fact that new hires, even though being paid for their training, would not follow through. The end result would be homes making excessive investments in staffing and not gain the needed employees.

Personal Care Home Administrators have a vested interest in a quality of staff whom they hire. By virtue of the fact that being a Personal Care Home Administrator they are directly responsible for the actions of their employees. It has been my experience that Personal Care Home Administrators do not release staff members to work with residents unless adequately trained. They realize that staff competence and professionalism are a direct reflection on them as Administrators.

Concerning the 12 hours of annual staff training to be provided to Personal Care Home Direct Care workers, my thoughts are these. First: Reduce the training to 6 hours annually and allow the personal care home administrator and his/her staff to provide the training in the form of in house in servicing, in the same manner that nursing homes have been doing for years. It should be a requirement that all employees sign attendance sheets and be tested to demonstrate their understanding of the subject matter. This again squarely places the burden of responsibility on Personal Care Home Administrators who must ultimately bear the brunt of their employees actions.

The areas of concern discussed above, although having the appearance of conveying great benefit to the Commonwealth's Personal Care Home population, are cost prohibitive in the extreme. If money was no object I am sure that most Personal Care Homes would be more than willing to implement them. Their implementation would allow facilities to hire more persons at higher rates of pay. The reality of this matter is that homes cannot meet these requirements in the current economic climate. Similarly, I, as described in paragraph one of this letter do not possess financial resources for a car and driver.

If the Department of Welfare truly wants to ensure that Personal Care Home residents are being properly served, they should empower their licensing representatives to do the job that they were hired to do. I have had a great deal of contact with personal care home licensing representatives over the past 20 plus years. These individuals have all demonstrated vast knowledge of the Personal Care Home Industry and truly seem interested in its growth and development. They have not been allowed to levy fines to ensure compliance until recently. Before we take drastic action ensuring the demise of many personal care homes let us allow the departments licensing representatives to clean up or close the bad facilities in our ranks. The implementation of the proposed personal care home regulations would ensure the closing of numerous quality personal care homes. Residents, their families, facility employees and operators would all suffer in the process. Let us not make this fatal mistake which would be virtually impossible to repair. I trust that you will act in a rational responsible manner related to the decisions placed before you.

If I can provide further insight or perspective on this matter, please feel free to contact me at Blair Personal Care Homes, Inc., phone 724-843-2209.

Sincerely,



Ray McMurdy

RM/kr

Copies Sent To:

Independent Regulatory Review Commission
Health and Human Services Committee
David Kaufman, Department of Public Welfare
Public Health & Welfare Committee
State Representative Michael Veon

Original: 2294



Since 1896, Retirement Living for the Future

November 18, 2004

Honorable George T. Kenney, Jr.
PA House of Representatives
PO Box 202020
Harrisburg, PA 17120-2020

Sent by US Postal Mail and Fax

Dear Representative Kenney:

Without immediate action by the General Assembly of the Commonwealth of Pennsylvania, the Personal Care Home Regulations, currently under review by the Independent Regulatory Review Commission (IRRC) will become law very shortly. I am asking, if you have not already done so, to review the regulations giving consideration to the following comments. As a provider of personal care services, we at Pilgrim Gardens, and Wesley Enhanced Living, believe these regulations are inconsistent, unclear and burdensome, at the least, and may have a profoundly negative impact on the availability and provision of personal care for residents of Pennsylvania.

The cost of implementing the regulations may well force those facilities that serve SSI residents to close as there is no additional reimbursement available to cover the cost of required changes. At Pilgrim Gardens, in order to meet the requirements, we may well have to increase our charge thereby making it impossible for low to moderate income residents in our Burholme neighborhood to be admitted to this facility. They will either have no access to personal care services or will have to relocate to other parts of the city if facilities they can afford continue to even operate.

DPW's implementation cost estimates are not realistic. We disagree with DPW in the following areas:

- Training for administrators will exceed \$180 per year. Since continuing education hours will increase from 6 to 24, an administrator will be required to attend 3 to 4 days of education. As an example, attendance at the annual meeting of PANPHA would permit someone to accumulate this time. The cost of that meeting, however, would probably be \$500 in registration costs alone. Transportation and lodging could easily add an addition \$500 bring the total continuing education cost to \$1000 annually.
- An internal communication system will probably exceed \$20-\$100 per pair of staff persons. Our interpretation of the regulations is that this must be not just an alert devise, such as a pager, but must be a two-way communication device such as a walkie-talkie or cell phone. Either of these systems will probably be at least twice the cost estimate of DPW and, if a cell phone is used, may well be an ongoing cost of at least \$40-\$50 per month.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

18

Various other requirements of the regulations will increase the operating costs of personal care homes. They include additional staff training, assessment and care planning. In today's market of limited staff availability and hiring difficulty, the requirement that direct care staff persons have either a high school diploma or GED will severely restrict the pool of available workers in this profession.

There also exist some inconsistencies that would indicate that the regulations were drafted hastily and in a manner that was not well thought out. Some examples of these inconsistencies are:

- Two different timeframes for completing a support plan are included within the regulations.
- Every facility must hold a fire drill within five (5) days of a new employee beginning work. The regulations, however, also state that a fire drill need be held no more frequently than monthly. How do we fulfill the 5 day requirement without exceeding the one-a-month requirement? Is it DPW's intent to continually disrupt the lives of our residents, some of whom would be harmed by continued evacuations during drills?
- Personal care homes are required in the PCH Statute (Act 185) to discharge those resident who need the care "in or of a nursing home." At the same time, however, the regulations would no longer give a facility the authority to discharge a resident without physician or government intervention. This could conceivably delay, or even prohibit, a resident being in a place where they could receive a higher level of needed care.

As Chairperson of the Health and Human Services Committee, as well as a member of the board at Pilgrim Gardens, we are asking your assistance in disapproving this regulation. This will allow for future regulations to be designed that truly do address the needs in personal care services in a fair and equitable way while, at the same time, giving consideration to costs and funding in order that elderly persons who need personal care services will continue to be able to secure them.

Thank you for your consideration of this matter.

Very truly yours,



Judith A. Williams
President
Pilgrim Gardens
7023 Rising Sun Avenue
Philadelphia, PA 19111

Cc: PANPHA

PILGRIM GARDENS
7023 Rising Sun Ave.
Philadelphia PA 19111
215-745-3517

Fax

To: IRRC **From:** Judith A. Williams

Fax: 717-783-2664 **Pages:** Cover + 4

Phone: _____ **Date:** 11/18/04

Re: Regulation # 14-45 (#2294) **CC:** _____

Urgent For Review Please Comment Please Reply Please Recycle

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REVIEWER COMMISSION

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17

IRRC

From: MARYJO WRIGHT [stonebrookmanor@msn.com]
Sent: Thursday, November 18, 2004 12:42 PM
To: IRRC
Subject: We need Review and Revisions!

11/18/04

TO: Independent Regulatory Review Commission

FROM: Mary Jo and Harry Wright
Stone Brook Manor Personal Care Home
P. O. Box 606 - 122 Rowe Road
Manor, PA 15665
Phone: 724-863-0802 Fax: 724-863-1216 e-mail: stonebrookmanor@msn.com

RE: Request Disapproval of Regulation, 55 Pa Code Chapter 2600, Personal Care Homes

We have just received a copy of the final-form regulations and have the some serious concerns which we feel must be resolved before approval is given:

1. **Has a complete cost study been completed? If so, is it available to us? The proposed staff training requirements alone are alarming and are excessive – annual training requirements exceed those of Nursing Homes.**
2. **Why are these regulations moving Personal Care from a social model to a medical model? What impact does this have on the medical liability crisis in Pennsylvania?**
3. **Most personal care operators are not even aware that these proposed regulations have been released. What is the time frame for us to have the opportunity to comment on them?**
4. **What is the input of the Personal Care Home Advisory Committee? Has this committee had the opportunity to review these regulations and make a statement of approval or disapproval?**

We respectfully request that you review Regulation, 55 Pa. Code, Chapter 2600, Personal Care Homes. The manner in which these regulations have been put out during a lame duck and shortened legislative session must raise great concern and question. Our understanding of the process is that lack of action on them by Friday of this week will cause them to be 'approved.' Certainly 'approval by inaction' is not the right way to do something this important for the citizens of Pennsylvania! Thank you for your consideration.

Original 2297

20

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2004 NOV 18 PM 4:08

INDEPENDENT REGULATORY
REVIEW COMMISSION

LATROBE CARE CENTER, INC
501 ALEXANDRIA ST.
LATROBE, PA 15650
(724) 537-3334

Kay Newingham, RN
Administrator

Independent Regulatory
Review COMMISSION

As an RN & Personal Care Home Administrator, for the past 20 years at Latrobe Care Center, licensed for 38 beds, I appeal to you not to sign the PCH CH. 2620 Regulations that have been proposed by DPW. In the interest of our Residents & their families, I plead to you to allow more time for PCH Administrators & the advisory committee to submit an affordable medication & staff training plan, that allows our Residents to be cared for in a safe & secure environment. I am in favor of some proposed regulations, but more input must be contributed from PCH Administrators & Caregivers, I'm counting on your support. Please respond to your views on this matter so I may share them with our Residents & their families.

Sincerely,

K.H. Newingham

Katherine H. Newingham

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2004 NOV 18 PM 3:59

INDEPENDENT REGULATORY
REVIEW COMMISSION

Original: 2294

IRRC

From: Julie Ciccarello [julieciccarello@hotmail.com]
Sent: Thursday, November 18, 2004 3:07 AM
To: IRRC; HMowery@pasen.gov
Cc: Bristolhouse@alltel.net
Subject: Regulations for Personal Care Homes

To the IRRC and Senator Mowery:

It has been brought to my attention that the state of Pennsylvania is in the process of regulating personal care homes for the elderly. From what I understand these regulations will put many of the smaller homes out of business and allow the larger corporate homes to remain open. I recently moved to the Delmont area from Atlanta and would like to tell you of experiences I had while living down south.

My Mother-in-law Marguerite Ciccarello had MS for almost 25 years. It finally became apparent that my husband and I were unable to care for her and were going to have to put her in a facility with round the clock care. We weren't asking for much. Just a nice place to feed her, help her get dressed, and nice people to keep her company. We looked and looked. All that was available were corporate franchised homes that were running around \$2500 to \$4000 per month. Due to the cost they were out of the question. None of these homes provided subsidies or state funding. The homes that were accepting Medicaid and Medicare were way below standard. Most of them were run down and filthy, as were the people occupying them. We were finally forced to place my mother in law in an apartment and care for her ourselves. When we could no longer care for her due to her worsening condition, we called 911 to admit her to the hospital. The hospital admitted her to a rehab center/nursing home. I remember not wanting to take my son who was 3 at the time to this place. It frightened him too much. Because this place was dark and dirty and provided no real socialization for her, Marguerite fell into a deep depression. She died a few months after coming there. I believe she just gave up. Had there been a personal care home available that wasn't costing in the thousands per month she would have lasted longer. She would have received the personalized care she deserved. I believed (and still do to this day) quality elder care in the state of Georgia had become a privilege for the rich.

PLEASE DO NOT LET PENNSYLVANIA BECOME ANOTHER GEORGIA.

Please consider my story in regards to the regulations. Caring for Marguerite in the end became a financial and psychological burden to our family. What hurt the most was that we felt we couldn't do enough for her because there were no affordable personal care homes available.

Please also consider that if the regulations go through many people will lose their main source of income. I have a friend who owns a personal care home in Westmoreland county. Her husband has recently died. Without the home she will have no means of supporting herself and her 5 year old daughter. From what she tells me she has several acquaintances in the same situation as her. They too will soon lose their sources of income.

My father is fast approaching old age. If he ever needs to be put into a home and these regulations are passed, he won't be staying in a home in Pennsylvania. We won't be able to afford it.

Sincerely yours,

11/18/2004

Julie M. Ciccarello
julieciccarello@hotmail.com

11/18/2004

Original: 2/27/04
IRRC

(28)

From: ksipple [ksipple@thehickman.org]
Sent: Thursday, November 18, 2004 3:22 PM
To: IRRC
Cc: 'John Schwab'; shartz@thehickman.org; beth@panpha.org
Subject: Comments to the Final Form Chapter 2600 Personal Care Homes Regulations

Comments enclosed in body of email.

Independent Regulatory Review Commission
Commission Chairman John R. McGinley, Jr.
irrc@irrc.state.pa.us

Re: Regulation # 14-475 (#2294)

Dear Chairman McGinley,

Enclosed are comments regarding the Department of Public Welfare's most recent regulations, compiled by residents and staff of The Hickman, a not-for-profit, Quaker-sponsored licensed Personal Care Home located in West Chester, Pennsylvania. We are urging the IRRC to disapprove these regulations as currently written. We strongly feel that the regulations exceed the intent of the law regarding Personal Care Homes. In addition, these regulations would present an unfair financial burden on existing PCH's, and negatively impact older Pennsylvanians with limited incomes. Thank you for your willingness to review the following comments:

Comments to the Final Form Chapter 2600 Personal Care Homes Regulations

Legislative Intent

We feel the intent of the General Assembly in passing legislation establishing Personal Care Homes has been exceeded by these most recent regulations by requiring services similar to those found in a long term care facility.

Personal Care Homes are clearly not intended to serve those needing the services of a licensed long term care facility. Yet the following sections indicate the department's intent to regulate similar to a long term care facility.

- **Section 2600.225** requiring assessments
- **Section 2600.227** requiring the development of support plans
- **Section 2600.4** adds turning and positioning to the definition of ADL
- **Section 2600.4** adds IADL services to the list of services which can only be provided by a trained direct care staff.

Public Interest

As drafted, the regulations are not in the best interest of the public due to the high cost of implementation. The following are examples of The Hickman's estimates to implement:

11/18/2004

- **Section 2600.64** increased administrator training - \$6,000 per year
- **Section 2600.26** quality management program - \$17,000 per year
- **Section 2600.65 & 66** staff training and orientation for direct care staff, ancillary staff and volunteers - \$20,000 per year
- **Section 2600.225 & 227** assessments and support plans - \$40,000 per year
- **Section 2600.190** medication administration training - \$20,000 per year

All of above, as well as other additional regulations, will increase the cost of operating PCH's and make them too costly to be an option for many of Pennsylvania's citizens.

It should be noted that considerable one-time costs will be incurred by many PCH's to bring their physical plants into compliance. Modifications such as two exits per floor, 3 ft. X 3 ft. landings, and a special fire alarm system for the hearing impaired will have significant one-time costs. The Hickman recently upgraded its fire alarm system to include strobe lights for the hearing impaired at a cost of \$138,000.

Other Concerns

Section 2600.65 (b) & (g) requires volunteers to be trained in procedures as if they were direct care staff. This will scare away potential volunteers and will confuse their roles and responsibilities.

Section 2600.54 requires a high school diploma or GED for all direct care staff. There is a severe shortage of direct care staff in PA. Eliminating a qualified pool of potential staff members would have a negative impact on our program. Our programs employ many foreign born and religiously affiliated (Amish & Mennonite) staff members who may not possess those credentials.

Section 2600.42 requires the facility to repay residents for losses due to failure to safe guard money or property. How will this be determined, and what burden of proof will be on the resident to demonstrate the money or property was lost?

Section 2600.132 (k) - it is unreasonable to expect fire drill within 5 days of each new hire.

Section 2600.68 requires all training instructors to be approved by the department. Approved trainers in addition to approved training will be costly and difficult to manage. Much of our best training is done by local agency staff, such as hospital employees, fire departments and MH/MR agencies. They do this as a community service with little or no charge. They are not likely to be willing to become an approved trainer of the department just to provide a free service to The Hickman.

Section 2600.186 (c) disallows the practice of verbal orders. There are many times when physicians will call in a change of orders and follow up later with a written confirmation. The inability to immediately initiate these verbal orders will endanger the health, safety and welfare of our residents who may be in immediate need of this change in medication.

Section 2600.261 (a) Classifies any violations of the regulations. The least severe violation is Class III, which is defined as minor violations which have an adverse effect upon the health, safety or well-being of a resident. There are violations that clearly do not cause an adverse effect on a resident yet every violation must be classified. It should be recognized that some violations are so minor as to not needing classification.

Thank you again for your prompt attention to our concerns.

Sincerely,

John J. Schwab, *Director*
Susan Hartz, *Director of Resident Care*
Donald Byerly, *Resident*
Elma Mack, *Resident*
Becky McIlvain, *Resident*

11/18/2004

Original: 2294

IRRC

16

From: Dickson, John [jdickson@redstonehighlands.org]
Sent: Thursday, November 18, 2004 11:32 AM
To: IRRC
Subject: Personal Care Home Regulations

To Whom It May Concern:

As presently proposed the new regulations governing personal care homes is damaging to the elderly citizens of Pennsylvania and should not be enacted upon as they will bring forward financial and operational burdens that will close many homes and will force seniors to find alternate care sources.

In review of the regulations there are ill-advised educational requirements, discharge procedures, and resident assessment protocols that plague this document. A more sincere approach of devoting additional review time to be certain the true issues are attended to would be beneficial to all concern.

Please revoke further approval or passage of this document by your department.

Sincerely,

John R. Dickson IV
President & Chief Executive Officer
Redstone Presbyterian SeniorCare

Original: 2294

IRRC

From: harry.keenan@att.net**Sent:** Thursday, November 18, 2004 4:54 PM**To:** IRRC**Cc:** jorie@pasen.gov; costa@pasenate.com; ktrue@pahousegop.com; dreichle@pahousegop.com; mturzai@pahousegop.com; hmowery@pasen.gov

As the son of a resident of a personal care home, I strongly request that you not approve the final form regulation for chapter 2600.PCH TITLE 55.PUBLIC WELFARE. My mother, Frances Keenan, is a resident of Carmela's house in Crabtree, Pa. She is there because of the need for companionship and non-medical care. The majority of changes that are being proposed in CHAPTER 2600 relate to medical care and have no purpose, and make no sense, when being applied to a social environment. These regulatory changes will cause a large of smaller personal care homes to close and will create hardships on the residents that will be forced to relocate to larger, less intimate surroundings. I would suggest that instead of the sweeping changes that would be affected by CHAPTER 2600, that the existing CHAPTER 2620 be fine tuned, and that the existing regulations be followed and enforced. Harry R. Keenan

11/18/2004

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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

To: John R. McGinley
 INDEPENDENT REGULATORY REVIEW COMMISSION
 From: Dee Ferree
 Date: November 18, 2004
 RE: Review of Regulations (PCH) #14-475 (#2294)

Dear Mr. McGinley:

I am asking to request a meeting of the House Health and human Services Committee and the Senate Public Health and Welfare Committee to disapprove these regulations. The time and expense burdens may very well put good facilities out of business, but the Department paid little attention to additional costs.

If the government is going to impose substantial additional cost burdens for training requirements and mandate upgrades to our physical plants. It must share some of the burden. How are we to find additional staff, train them and adequately compensate them?

These regulations will result in reduced access to personal care for Pennsylvanians with very low income. DPW has acknowledged lax enforcement of existing regulations. New regulations are not in and of themselves a solution.

. It is clear these regulations were hastily drafted in order to meet the deadline of November 4, which was the last day of DPW's two-year window to publish the regulation as final. Examples of inconsistencies caused by the rush include:

Two different timeframes for completing a support plan are included within the regulation. Which one do we use?

Every facility must hold a fire drill within (5) days of a new employee starting. However, they also are required to hold no more than one fire drill a month. How do they fulfill the 5-day requirement without exceeding the one-month requirement?

It is the department's intent to continually disrupt the lives of our residents, some of whom would be harmed by continued home evacuations during fire drills.

These Regulations are not yet ready for prime time.

Sincerely,

Dee Ferree
 Administrator
 ST-Paul Homes @ Ridgewood

19

Original: 2294

To: Independent Regulatory Review Commission

FAX Number: 717-1783-2664

From: The Ridgewood at St. Paul Homes
339 E. Jamestown Road
Greenville, PA 16125
Phone: 724-588-9184
FAX: 724-373-9972

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Number of pages:(including this cover) 2

Name of Sender: Dee Ferrie

Date: 11-18-04

Message: Review of Regulations PCH # 4-475-(#2294)

Original: 2294

Charters Manor

Phone 412-250-2020
Fax 412--250-2021
Email chartiersmanor@aol.com

814 Chartiers Ave.
Mc Kees Rocks, Pa. 15136

11/18/04

RE: PROPOSED REGULATION, 55 PA. CODE, CHAPTER 2600, PERSONAL CARE HOMES

As the owner and administrator of a 96 bed personal care facility located 3 miles outside the city of Pittsburgh in the borough of Mc Kees Rocks, I am strongly urging you as public official and a fellow citizen of Pennsylvania to STOP THE PROPOSED 2600 REGULATIONS THAT ARE TO BE FINALIZED ON NOV. 30TH 2004.

My facility primarily cares for residents of modest to moderate financial means- I believe this translates to the majority of our senior population!!. Chartiers Manors rates for room board and personal care services range from \$1200.00 to \$1800.00 per month. The mean age of our population is 82. We contribute to the already overwhelming need for SSI beds by setting aside 5 beds for this payor class. This is not a corporate mandate, but a personal commitment to contribute to this very deserving and underserved population.

Should the new regulations be passed in the current form, I estimate an increase of \$600.00 to \$1000.00 per month per resident will be needed to implement and maintain the new regulations.! IT IS HIGHLY UNLIKELY THAT ANY OF THE CURRENT 86 RESIDENTS WOULD BE BE ABLE TO REMAIN IN THIS FACILITY!! I

A RELATED COMMENT IS THAT MY BUSINESS HAS ADDED 52 JOBS TO A ECONOMICALLY CHALLENGED AREA. IF THE FACILITY IS NOT VIABLE, THE EMPLOYEES WILL RETURN TO THE WELFARE ROLES!!.

I implore you to take action to stop these changes before our elderly population is put at risk by the very people and regulations entrusted to protect them.

As a health care professional and business owner I assure you I am committed to providing quality personal care under the "social model" that it was intended to be, however the new regulations reflect and mirror the regulations in our states Skilled Nursing Homes.

The regulations that I find most oppressive, no matter how well meaning they may be are:

- * Quality Assurance Programming in its current form
- * Training in its current form- it appears the requirements and conditions for training have been outlined before the training program has been developed!!.

Please note that by definition Personal Care Residents are “individuals that do not require the level of care provided by a hospital or nursing home. Over regulation does not equate with quality of care.

I strongly encourage law makers to review the current regulations, and address the enforcement of the current regulations. I believe this would strengthen the health and welfare of our elderly while not adding a financial burden to them. It is my experience that the Department of Public Welfare should be enabled with what resources they need to actively enforce the current regulations before we add another burden to our frail elderly.

These resources would be considerably less than forcing thousands of residents into state nursing homes before they truly require that level of care.

PLEASE REJECT REGULATION, 55 PA. CODE, CHAPTER 2600, PERSONAL CARE HOMES. I ALSO REQUEST A PUBLIC HEARING TO ADDRESS THIS ISSUE.

Respectfully Submitted,

Debra Bianchin
Administrator/Owner

Original: 2294

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2004 NOV 18 PM 4:44

INDEPENDENT LABORATORY
REVIEW COMMISSION

I am writing in regards to the
Regulation For Chapter 2600
Personal Care Home - Title 55 Public Welfare.
I think this is dirty politics the way you're
trying to get it passed. You are not
informing the people it most affects.
It affects the lives of so many people, the
owns and especially the residents of P.C.H.
Which includes my mother who does not
need to be in a Medical Model environment.
She and many others need a home away from
home.

I have had personal experience with
family in both P.C.H and nursing home (medical
mode). I much prefer the P.C.H. I am sure
most people would because of the home
atmosphere. With your actions you're taking
this choice away from them and this is
wrong.

My question is how can you not
bring such important issues before the
legislature bodies for discussion when it
affects so many. You have time to discuss
pay raises for yourselves.

Another question is: is the government
going to take care of these people, find
housing for them and help pay the cost.
Most of these people only have S.S. to live on.

Do you think long term care services that
 only accept 55 as payments. Nursing Home
 care is very expensive. What is to become
 of them? You need to rethink your actions.
 If it is because of regulations, there are
 already regulations in place which need to
 be enforced not new ones that put people
 out of business and displace and
 disrupt stable environments. Please
 reconsider your actions.

Barbara K. Rumbaugh
 R.R. 9 Box 652
 Greensburg, Pa. 15601

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2004 NOV 18 PM 4:44

APPROPRIATE STATE AGENCY
REVIEW COMMISSION

Blair Nursing Home, Inc.
Blair Personal Care Homes, Inc.

14

RECEIVED

2004 NOV 18 PM 12:00

REVIEW COMMISSION

1031 MERCER ROAD • BEAVER FALLS, PA 15010
724-843-2209

November 18, 2004

Original 2294

To Whom It May Concern:

If I should awaken tomorrow morning and find myself in possession of vast wealth, the first thing I would do is purchase a motor vehicle. The next thing I would do is hire a driver to be available on 24 hour demand. To my way of thinking, this is a great idea, because I suffer from congenital blindness. These acquisitions would undoubtedly improve my quality of life. However, the reality of my situation is such that I do not see this happening any time soon.

The whole point of the previous paragraph is this. The Department has developed an excellent set of regulations, whose implementation is financially impractical. The cost incurred by facilities meeting the new regulations would not significantly improve the quality of life of Personal Care Home residents. In the following paragraphs, please allow me to outline some of the proposed regulations that would effectively close our facility. In your own statistical analysis of Pennsylvania's Personal Care Home population, you stated that 20% of the commonwealth's personal care home residents are Personal Care Home SSI supplemental recipients. This fact alone does not appear as though it would be a major factor in the costs of implementing your proposed regulations. However, the reality of the personal care home population receiving the SSI supplement is this:

Personal Care Home residents receiving the supplement generally live in facilities whose Personal Care Home supplements populations range from 40% to 90%. So, you would by the implementation of your regulations effectively close a large number of personal care homes. I have not seen statistics but it may behoove your office to look at this issue in a different light.

From my reading of the proposed regulations, it appears that the Department of Welfare has an overwhelming desire to professionalize and upgrade the quality of staff. No one can argue with this lofty goal. I, for one, am pleased that the Department has taken it upon itself to recommend that persons holding the position of Administrator possess more pre-requisite training and a demonstrated knowledge through successfully passing a competency exam prior to being issued a Personal Care Home License. I also believe it to be admirable that the department recognizes the work, dedication and acquired knowledge of those who have worked in this field by allowing them to retain their Personal Care Home Administrator License if held prior to December 1, 2004. I have only one objection to the departments proposal concerning Administrator Licensing. The expectation that administrators increase their annual continuing education hours from 6 to 24 is extreme. A workable alternative to this would be an annual

requirement that all personal care home administrators receive 12 hours of continuing education. These hours would be dedicated to specific areas of training and development, mandated by the department to increase the knowledge of personal care home administrators. Subjects would be chosen based on department indicators of service deficiencies of personal care homes, gleaned through the licensing process.

Although I realize that I am stepping out on a thin limb, with regards to this next item, I feel that the step must be taken. The department has recommended a major overhaul in the amount of training provided to direct care workers before allowing them to be employed in personal care homes. The ideas proposed when read in offices by department staffers and/or state regulators sound wonderful. In fact, no member of the general public, being presented a synopsis of the departments proposed regulations in their local newspaper, would find fault with them. Most readers would applaud the departments effort and feel secure in the knowledge that their relatives residing in personal care homes would be taken care of by highly skilled persons as a result of an increase in training standards for direct care workers. The dark side to this issue is that many personal care homes (it has been estimated 40%) would be forced to close because they cannot bear the increased burdens imposed upon them as a result of excessive staff training requirements. The homes that would be forced to close are those providing care to the 20% of the commonwealths personal care homes SSI supplemental population. In 2005, the personal care home supplement is scheduled to be increased by \$15 a month (approximately 50 cents per day).

There is also another segment of the personal care home population, whose incomes are slightly above the SSI amount. However this group is financially worse off when seeking placement in a personal care home. The reason for this is that they do not qualify for medical assistance to cover the cost of their prescription medication. So even with PACE for those who qualify, based on age, the amount that they can spend for their care often times ends up being less than \$900 a month. The departments proposal that all staff prior to being allowed to work in a personal care home receive 24 hours of training is excessive. In my experience, no personal care home administrator with whom I have been associated, would allow a new staff member to be placed in a personal care home without being comfortable knowing that he or she has been adequately trained by the administrator and his/her staff. The excessive training required by the department will ensure that employees will be unavailable for hire in Personal Care Homes. Rather than seek employment in Personal Care Homes, potential employees will flock to Wal Mart, fast food restaurants, or convenience stores for similar rates of pay.

Personal Care Homes currently experience problems recruiting and hiring sufficient staff. Having a long delay between the hiring and direct employment of staff would cause two problems. The first one being excessive amounts of overtime being paid to currently employed staff. The second one would result from the fact that new hires, even though being paid for their training, would not follow through. The end result would be homes making excessive investments in staffing and not gain the needed employees.

Personal Care Home Administrators have a vested interest in a quality of staff whom they hire. By virtue of the fact that being a Personal Care Home Administrator they are directly responsible for the actions of their employees. It has been my experience that Personal Care Home Administrators do not release staff members to work with residents unless adequately trained. They realize that staff competence and professionalism are a direct reflection on them as Administrators.

Concerning the 12 hours of annual staff training to be provided to Personal Care Home Direct Care workers, my thoughts are these. First: Reduce the training to 6 hours annually and allow the personal care home administrator and his/her staff to provide the training in the form of in house in servicing, in the same manner that nursing homes have been doing for years. It should be a requirement that all employees sign attendance sheets and be tested to demonstrate their understanding of the subject matter. This again squarely places the burden of responsibility on Personal Care Home Administrators who must ultimately bear the brunt of their employees actions.

The areas of concern discussed above, although having the appearance of conveying great benefit to the Commonwealth's Personal Care Home population, are cost prohibitive in the extreme. If money was no object I am sure that most Personal Care Homes would be more than willing to implement them. Their implementation would allow facilities to hire more persons at higher rates of pay. The reality of this matter is that homes cannot meet these requirements in the current economic climate. Similarly, I, as described in paragraph one of this letter do not possess financial resources for a car and driver.

If the Department of Welfare truly wants to ensure that Personal Care Home residents are being properly served, they should empower their licensing representatives to do the job that they were hired to do. I have had a great deal of contact with personal care home licensing representatives over the past 20 plus years. These individuals have all demonstrated vast knowledge of the Personal Care Home Industry and truly seem interested in its growth and development. They have not been allowed to levy fines to ensure compliance until recently. Before we take drastic action ensuring the demise of many personal care homes let us allow the departments licensing representatives to clean up or close the bad facilities in our ranks. The implementation of the proposed personal care home regulations would ensure the closing of numerous quality personal care homes. Residents, their families, facility employees and operators would all suffer in the process. Let us not make this fatal mistake which would be virtually impossible to repair. I trust that you will act in a rational responsible manner related to the decisions placed before you.

If I can provide further insight or perspective on this matter, please feel free to contact me at Blair Personal Care Homes, Inc., phone 724-843-2209.

Sincerely,



Ray McMurdy

RM/kr

Copies Sent To:

Independent Regulatory Review Commission
Health and Human Services Committee
David Kaufman, Department of Public Welfare
Public Health & Welfare Committee
State Representative Michael Veon

BLAIR PERSONAL CARE HOMES, INC.



Enter His gates with thanksgiving and his courts with praise;
give thanks to Him and praise His Name. Psalm 100:4

1031 Mercer Road
Beaver Falls, PA 15010
724-843-2209-Phone
Personal Care Fax 724-843-4669
Nursing Home Fax 724-843-2366

ATTENTION: *Independent Reg. Renewal Comm.*
COMPANY: _____
FROM: *Ray McMurry*
DATE: *11-18-04*

Comments: *An original copy will also
be mailed.*

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REVIEW COMMISSION

Pages 4 Including Cover Sheet

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Ark Senior Services, Inc.
105 Sandra Drive
Delmont, PA 15626
724-468-6200

24

November 18, 2004

We are a 70-bed personal care home in Westmoreland County, PA. We believe the final-form regulations are inconsistent, unclear and burdensome – and will have a profoundly negative impact on personal care for elderly Pennsylvanians. We are strongly urging you to report a Concurrent Resolution Disapproving the Regulation, 55 Pa. Code, Chapter 2600, Personal Care Homes for the following reasons:

1. Social vs. Medical Model

These regulations mirror existing regulations for long-term care facilities 28 Pa. Code, while, by definition, residents of a PCH are individuals “who do not require the level of care provided by a hospital or long-term facility.” Over-Regulation does not equate to quality of care. Excessive paperwork actually reduces the quality of care, due to the staff time involved and greatly increases the cost, which is passed on to the resident and family.

2. Fiscal Impact

The cost of the building requirement without grandfathering, the cost of implementing a quality assurance program, which is a standard in a medical model, and the cost of the excessive training requirements, for administrators and our staff, prior to employment and annually, are economically prohibitive. These excessive costs must be passed on to the residents and their families and will make personal care out of reach of the private pay sector because the costs will be comparable to nursing home rates. These new regulations will eliminate our ability to accept SSI residents, which is who we have built our home around.

3. Enforcement

Excessive rulemaking is not needed to protect the health, safety and well-being of personal care home residents. Increased enforcement of the current regulations would strengthen health and safety concerns. Adding inspectors to enforce current regulation would add no cost to the residents and minimal cost to the state as opposed to the exorbitant cost of the proposed regulations.

4. Inconsistencies

There are several examples of inconsistencies in the final form regulations, including:

- Two different timeframes for completing support plans
- Fire drill procedures, i.e. we must complete a fire drill within 5 days of new employee start date, but only one drill per month is required.
- Facilities are required in Act 185 (PCH Statute) to discharge residents who need the care “in or of a nursing home,” yet under these new regulations, they no longer have the authority to discharge a resident without physician or government intervention.

We are appalled by the silent actions to have these regulations approved during a lame duck and shortened legislative session. Hundreds of thousands of Pennsylvanians (residents, families, providers, employees and their families) will be adversely affected without a representative voice.

Please do not allow these regulations to pass due to your inaction!

Respectfully,

Ark Senior Services, Inc.
Staff and Administration

David M Withers, CEO

Chandra J. Spitzberg, Administrator

~~Doug Kosh~~

~~Michelle Latta~~

~~Fenny R. McCann~~

~~Bernadette Bazzar Cota~~

~~Charles R. Bach~~ Facilities Manager

~~Daniel M. Shaw~~

~~Barbara J. Fontana, MHA, DTRIL~~ Co-owner R+B Rehab

~~Tammy J. Pospisil~~

~~Allen Matto~~ family member

~~Lisa M. Cortese~~ - Senior Aide

~~Randee N. Bach~~ Assistant Administrator

~~Thomas & Barbara
Salazar
M.D.~~

~~family members~~

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INDEPENDENT REGULATORY
REVIEW COMMISSION

*Ark Senior Services, Inc.
105 Sandra Drive
Delmont, PA 15626
724-468-6200*

Fax Cover Sheet

Date: 11-18-04

To: Independent Regulatory Review

Fax: 717 783 2664

Re: 26000 Regulations

From: Andrea

Fax: 724-468-4318

Phone: 724-468-6200

Page(s) to follow: 2

Comments:

If you have received this communication in error kindly call and advise us. We thank you for this courtesy.

Original: 2294

November, 18, 2004

23

Independent Regulatory Review Commission:

I have had a personal care home for 24 years these new regulations would put me out of business. My existing building that was approved in Harrisburg then wouldn't pass now. Most of my residents are SSI the new regulations would make it so I couldn't keep them. The cost to do so would be too great as the new regulations are written. I have had one resident since 1984 it would be hard on here to relocate.

I haven't had time to go over the many changes but I think the personal care owners should have a chance to talk to people in charge in Harrisburg. Thank You.

Sincerely



Ruth J. Nedrow
Nedrow's Personal Care
1583 State Route 711
Stahlstown, Pa. 15687

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Ark Senior Services, Inc.
105 Sandra Drive
Delmont, PA 15626
724-468-6200

INDUSTRIAL REGULATORY
REVIEW COMMISSION

November 18, 2004

We are a 70-bed personal care home in Westmoreland County, PA. We believe the final-form regulations are inconsistent, unclear and burdensome – and will have a profoundly negative impact on personal care for elderly Pennsylvanians. We are strongly urging you to report a Concurrent Resolution Disapproving the Regulation, 55 Pa. Code, Chapter 2600, Personal Care Homes for the following reasons:

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Please do not allow these regulations to pass due to your inaction!

Respectfully,

Ark Senior Services, Inc.
Staff and Administration

Staff members, family members, and other interested parties:

Please sign below indicating your desire for our Congressmen & Women to take an interest in the new regulations on the horizon for Personal Care Homes.

1. Jesse Jayner
2. ~~Maura Breen~~
3. ~~Frank Koster~~
4. ~~Bill McKey~~
5. Michelle McClari
6. Danielle Butera
7. Kimberley Dumbaugh - Staff Supervisor

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Ark Senior Services, Inc.
105 Sandra Drive
Delmont, PA 15626
724-468-6200

Fax Cover Sheet

Date: 11-18-04

To: Independent Regulatory Review

Fax: 717 783 2664

Re: 2600 Regulations

From: Andrea

Fax: 724-468-4318

Phone: 724-468-6200

Page(s) to follow: 2

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If you have received this communication in error kindly call and advise us. We thank you for this courtesy.

Laura Packer



*Margaret King
B Det Smith
Alberta House
Ethel P. Myer*

Albert P. James

Mark Alan Correll

Jackie Parler

*John Ryan
Katharine F. Gabel*

SAVE !!

**OUR HOME:
ROSEWOOD MANOR PCH
IN
GREENSBURG, PA 15601**

STOP BILL 2600 TODAY !!!

RESIDENTS:

*Joyanne Brown
James T. Lichner*

Eulyn Compton

*Alice Louise
Mary K. Vargo*

*Phyllis
Richard Kovach*

Fax Cover Sheet

ROSEWOOD MANOR
322-324 N. PENNSYLVANIA AVE.
GREENSBURG, PA 15601
724-837-1410
FAX & OFFICE 724-836-5683

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Send to:	From: <i>RWM</i>
Attention:	Date: <i>11-19-04</i>
Office Location:	Office Location: <i>322-324 N. Pennsylvania Ave</i>
Fax Number:	Phone Number: 724-836-5683

- Urgent
- Reply ASAP
- Please comment
- Please Review
- For your information

Total pages, including cover:

Comments:

See attachments!

Thanks