

(21)

21ST SENATORIAL DISTRICT
MARY JO WHITE

Minority Caucus Administrator



Senate of Pennsylvania

November 18, 2004

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Robert E Nyce
 Executive Director
 Independent Regulatory Review Commission
 14th Floor, Harristown 2
 333 Market Street
 Harrisburg, PA 17101

RECEIVED
 2004 NOV 18 PM 3:35
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

Re: Department of Health Final Form Regulations
 No. 14-475 -Personal Care Homes

Dear Mr. Nyce:

The final form regulations for personal care homes are the result of many years of negotiation and compromise between providers and advocates. These regulations were written for the purpose of shoring up gaps in the current system. It is with regret that I write to oppose the final form regulations for personal care homes.

I am not comfortable with preventing personal care homes from transferring or discharging residents whose needs cannot be met. The homes need a voice in deciding when a resident no longer fits their profile for personal care.

The final form regulations give an appearance of preventing homes from transferring residents whose sole income comes from SSI. Forcing homes to retain SSI recipients will threaten the financial stability of some homes. Many homes will pass these costs onto their private pay residents. Those who are predominantly SSI are already losing money each day.

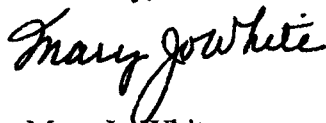
Many state and federal statutes are taken into consideration through reference in the final form regulations. Some of the statutes do not apply to personal care homes and courts have not established whether they should apply to personal care homes.

The final form regulations give private advocacy groups, specifically the PA Protection and Advocacy Agency (PP&A), potentially illegal access to residents and resident information. Other access is also permitted without consent of residents, namely community service organization and community legal services.

Another concern regards the full cost of regulatory compliance. Providers must meet additional requirements with no additional dedicated state funding. This does not take into consideration the fact that the cost estimate accompanying the final form regulations ignores substantial areas of compliance costs or at the least underestimates the costs to comply.

The impending end of the legislative session may prevent the full and fair consideration of these final form regulations. With the lack of time to ask for a thorough review of these factors, I respectfully ask for the rejection of these final form regulations.

Sincerely,

A handwritten signature in black ink that reads "Mary Jo White". The signature is written in a cursive style with a large, prominent "M" and "J".

Mary Jo White
SENATOR 21ST DISTRICT

MJW/pac

cc: Secretary Estelle Richman
Senator Harold Mowery, Jr.
Senator Vincent Hughes
Representative George Kenney
Representative Frank Oliver