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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

RESIDENCE:
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cc'd to all Commissioners

November 25, 2002

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

Dear Mr. Nyce,

The following comments are submitted on behalf of the House Health and Human Services Committee regarding the Department of Public Welfare's proposed regulation 14-475, relating to Personal Care Homes and Personal Care Home Licensing.

An update to the current personal care home regulations is much-needed in order to protect an increasingly frail and needy population of residents. The committee appreciates that the Department has recognized this need and has chosen to address the issue. However, while we value the intent of the proposed regulations, given the many comments received by the committee and the testimony gathered at a recent public hearing, we ask that changes be made to the proposed regulation prior to its release as final-form.

The committee is particularly concerned that the proposed regulations place both small and large personal care facilities at risk for financial ruin. The proposed regulations as currently written have the potential to put approximately 40% of personal care facilities out of business. It is imperative that changes be made to ensure that access to care is preserved by ensuring the future of all personal care facilities.

The committee is also concerned with the cost estimate provided by the Department. We believe the estimated cost of \$680 to each licensed personal care home does not adequately reflect the development of more than 20 new policies and procedures, as well as additional reporting requirements, in the proposed regulations. For this reason, we ask that the Department perform

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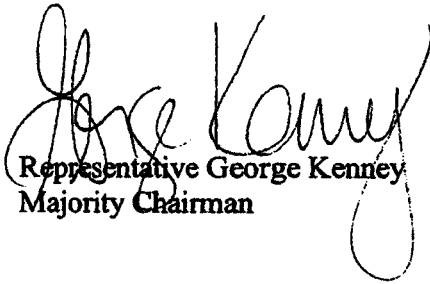
an additional cost estimate that takes into account the additional financial burden that will be placed on personal care home facilities upon the implementation of the new regulation.

Finally, the committee is concerned with the Department's approach to inspections of personal care facilities. Rather than reducing the number of personal care home facility inspections, the Department should continue the current inspection practice of an announced on-site inspection at least once during a licensing period – 12 months for regular licensees and 6 months for provisional licenses. The Department should also maintain the practice of conducting other inspections, announced and unannounced, as necessary in order to follow up on deficiencies or to investigate complaints.

Given that the health, welfare and well-being of personal care home residents throughout the Commonwealth is at stake, and the volume of public comments received on the proposed regulation, the committee asks IRRC staff to consider the aforementioned changes to the proposed regulation.

Thank you for your attention to the committee's comments.

Sincerely,


Representative George Kenney
Majority Chairman


Representative Frank Oliver
Minority Chairman

cc: Health and Human Services Committee Members
John R. McGinley, Chairman IRRC
Alvin Bush, Vice Chairman IRRC
Arthur Coccodrilli, Commissioner IRRC
Robert Harbison, Commissioner IRRC
John Mizner, Commissioner IRRC