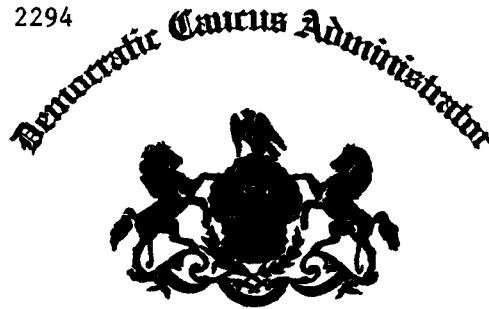


46TH DISTRICT
J. BARRY STOUT
1024 ROUTE 519, SUITE 400
EIGHTY FOUR, PA 15330
(724) 225-5400

SENATE BOX 203046
ROOM 10-EW
THE STATE CAPITOL
HARRISBURG, PA 17120-3046
(717) 787-1463

REPLY TO:

Original: 2294



COMMITTEES
TRANSPORTATION, MINORITY CHAIR
APPROPRIATIONS
ENVIRONMENTAL RESOURCES & ENERGY
POLICY COMMITTEE
LOCAL GOVERNMENT COMMISSION
STATE TRANSPORTATION COMMISSION
AVIATION ADVISORY COMMITTEE
MOTOR CARRIER SAFETY
ADVISORY COMMITTEE
RAIL FREIGHT ADVISORY COMMITTEE

Senate of Pennsylvania

Harrisburg

December 22, 2004

**Alan Cohn, Director
Office of Legislative Affairs
Department of Public Welfare
Room 322, Health & Welfare Building
Harrisburg, PA 17105-2675**

RECEIVED
2004 DEC 23 AM 10:18
INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Department of Public Welfare Regulation No. 14475

Dear Mr. Cohn:

Recently, I have heard from various individuals and organizations regarding the above-referenced regulation, which was received in final form by the Independent Regulatory and Review Commission (IRRC) on Thursday, November 4, 2004. Any possible help that you can render in regard to the matter outlined in this correspondence is, hereby, respectfully requested.

Under cover of this letter, please find copies of the communication that I have received to date relative to this issue. As you will determine, there is great apprehension about what these regulations could mean not only for the welfare of those who are residents of personal care homes but also for the providers of those services. As I understand the process, no vote on whether to approve or disapprove the final regulation will take place until next year; however, I am also forwarding the concerns to the Independent Regulatory Review Commission (IRRC) for their consideration and am advising those who have contact with me of the procedure for submitting further written detailed comments directly to the IRRC.

Thank you in advance for your time and attention to this matter.

With kindest regards,

**J. BARRY STOUT
State Senator**

JBS:st:clh
LCC: Robert E. Nyce, Executive Director, IRRC

From: "Vojtko, Katherine" <vojtko@sherwood-oaks.com>
To: <stout@psenate.com>
Date: 11/17/04 8:31AM
Subject: Personal Care Home Regulations

RECEIVED

2004 DEC 23 AM 10:19

INDEPENDENT LEGISLATURE
REVIEW COMMISSION

Dear Senator Stout,

I work in a retirement community in Cranberry Twp., PA but am a resident in your district (3615 Dry Run Road, Monongahela, PA 15063).

I am writing you this note to express my concern about the pending Personal Care Home regulations (PCH Statute Act 185). These pending regulations are likely to have far reaching effects which have not been thoroughly explored or understood. I am particularly concerned that these regulations may cause good and well-meaning providers to go out of business because of costly new mandated requirements.

As a professional working with older people every day, I am as concerned as you are that every senior receive care and service that is appropriate and needed. I am very concerned; however, that these proposed regulations are "heavy handed" and would not achieve these ends.

Yours truly,
Katherine Vojtko
Vice President
Sherwood Oaks Retirement Community
100 Norman Drive
Cranberry Twp., PA 16008
(724) 776-8544 tel
(724) 776-8488 fax
vojtko@sherwood-oaks.com



An Association of Nonprofit Senior Services

1100 Bent Creek Boulevard
Mechanicsburg, PA 17050

REMOVED
NOV 16 2004

2004 DEC 23 AM 10:20

INDEPENDENT REGULATORY
REVIEW COMMISSION

November 15, 2004

The Honorable J. Barry Stout
PA Senate
Senate PO Box 203046
Main Capitol Building
Harrisburg, PA 17120

Dear Senator Stout:

PANPHA, an association of Pennsylvania non-profit senior service providers, represents 233 providers offering personal care to 14,100 residents. We have completed a review of Regulation #14-475 delivered to the Independent Regulatory Review Commission (IRRC) in FINAL FORM on Thursday, November 4, 2004. November 4 was the final day of the Department's two (2) year window to publish the regulation as final.

Virtually all providers of personal care agree that the current Ch. 2620 regulations for personal care homes (PCH's) are no longer adequate to ensure the health and safety of the residents for which we care due to changes in how services are delivered. PANPHA has been intimately involved in the discussions with the Department around a Ch. 2600 regulations package since their inception, and has consistently taken the stance that there is room for significant enhancement of the existing regulations. As a result, there are numerous provisions of this regulation that PANPHA supported in proposed and continues to support in the "final" stage.

Unfortunately, there are many other provisions of this regulation which are inconsistent, unclear, and burdensome. Some of them so defy the realities within which PCH operators staff their homes, they may in fact harm the health and safety of residents rather than improve it. The inconsistencies and areas where additional clarification are needed are so significant that there can only be one possible explanation—the Department in their rush to complete the regulation within their two (2) year window simply didn't have the time to catch them all. In particular, there are several new provisions for the completion of needs assessments and medical evaluations prior to admission to a PCH for which there are different timeframes for completion in separate sections of the package.

Virtually all regulation which provides additional oversight has an adverse fiscal impact. While the regulated community often bears much of this cost, there is also a cost to government that must be factored in as well. The General Assembly recognized this when drafting the Regulatory Review Act under Section 5.2 (b) (1), which requires the IRRC to assess the fiscal impact of the regulation on the regulated community and government when determining whether the regulations are indeed "in the public interest". In this instance, the cost estimates provided by the Department for Regulation #14-475 fail to account for several significant additional costs, including new requirements for annual staff training and physical plant revisions, which will be incurred if this regulation is approved as final. Due to the Department's incomplete assessment of the costs associated with this regulation, we do not believe the IRRC is able to accurately assess the fiscal impact on government and the regulated community to determine whether it is indeed in the public interest.

We understand the many challenges that you face as the 2003-2004 legislative session winds to a close. There is much important work on your legislative calendar, and little time to address additional issues such as this one. However, if this regulation were to be approved without additional corrections and a full understanding of the true cost of its implementation, we can say without question that there will be a profound negative impact on the provision of personal care services in Pennsylvania. We would welcome the opportunity to assist you in working with the Department to negotiate the revisions necessary to make this regulation work for residents and providers.

Sincerely,

A handwritten signature in black ink that reads "Ronald L. Barth". The signature is written in a cursive style with a large initial 'R'.

Ronald L. Barth
President & CEO

717.763.5724 • Fax: 717.763.1057 • www.panpha.org • E-mail: info@panpha.org