

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form T)

NAME	ADDRESS	DATE of CORRESPONDENCE
Martha Lura	627 Cherry Lane Apollo, PA 15613	10-29-02
Sandra Hollis	Same	Same
Tom Coleman	Same	Same
Colleen McKendree	Same	Same
Vera Altman	Same	Same
Betty Haas	Same	Same
Can't read	Same	Same
Georgia Miller	Same	Same
Kimberly Abell	Same	Same

14-475 (616)

October 29, 2002

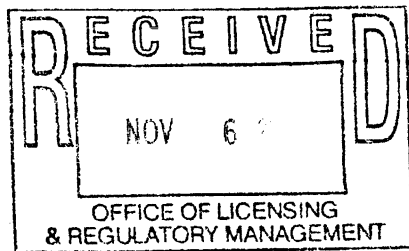
Dear Teleta Nevius,

I am a proud employee of a Personal Care Home, a home that I care about for many reasons, a home for our residents, their families, community members and lastly we employees. It is a nurturing environment built by our owners and administrator, an environment that thrives on interaction and communication with the foundation, the health, safety and welfare of our residents.

Our owner has informed us about the proposed regulations. Why do you want to change what we have built? Why do you want to make us into a nursing facility? Why do you want to close so many homes?

We receive 8 hours of yearly training in fire safety, resident abuse, and how to report it, Alzheimer's disease, dementia, first aid, CPR, oxygen, and disease stages to name a few. Many of our residents are SSI residents. Will you be supplying the extra money for the extra training, so our owner doesn't have to raise rates? Will you be helping our residents, who will not be able to afford the increase, new homes? They are loved, cared for, and call us home.

Please continue the 8 hours of training instead of increasing it to 24. This is an important issue resulting in wasted dollars and wasted time. Please consider it.



Sincerely Yours,

Martha Tura

CC: Independent Regulatory Review Commission
Harold F. Mowery Jr., Chairman Senate Public Health & Welfare Committee
George K. Kinney Jr., Chairman House Health & Human Services Committee

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form S)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Nancy Stewart	No Address	11-1-02
Jim Bryash	110 Coolspring Ave Indiana, PA 15701	Same
Regina Gesalmar	No Address	Same
Stan Deplor	Same	Same
Karen Winning	Same	Same
Randa Dunmire	1369 Sugar Hollow Road Apollo, PA 15613	Same
Linda Balls	No Address	Same
Lou Ann Markle	P O Box 85 Oak Ridge, PA 16245	11-2-02
Margorie McPherson	R D 4, Box 239 Kittanning, PA 16201	11-1-02

Original: 2294

#14-475 (503)

NOV 1 2002
11:00 AM
REVIEW COMMISSION

November 1, 2002

Teleta Nevins, Director
Office of Licensing and Regulatory Management
Department of Public Welfare
Room 316, Health and Welfare Building
P.O. Box 2675
Harrisburg, PA 17120

Dear Teleta Nevins,

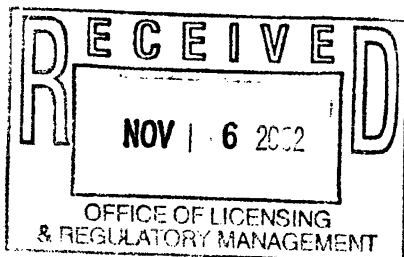
This letter is being written in strong opposition to the proposed changes to the Chapter 2600 regulations of the operations of Personal Care Homes.

To many individuals living on SSI and needing assistance and supervision in various areas of their daily care, Personal Care Homes are the only affordable option. The Personal Care Homes are also used for short term respite for individuals with Mental Retardation to give their families a much needed break.

The smaller Personal Care Homes are often family owned and operated and would not meet the new criteria as outlined. The cost involved with the proposed changes will force many of the smaller homes to close. Personal Care Homes need to remain an affordable option for families who want a safe environment for their family member needing that level of assistance.

Sincerely,

Kasey Stewart



Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form R)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Rosemarie Snyder	420 Shady Ave. Charleroi, PA 15022	10-23-02
Janet Navera	16 William Street Monongahela, PA 15062	Same
Charlene Povrzenich	459 Finley Road Belle Vernon, PA 15012	Same

14-475 (545)

October 23, 2002

Rosemarie Snyder
420 Shady Ave.
Charleroi, PA 15022

Department of Public Welfare

Teleta Nevius, Director
Office of Licensing & Regulatory Mgt.
Room 316 Health/Welfare Bldg.
PO Box 2675
Harrisburg, PA 17120

Ms. Nevius,

I am writing to you on behalf of our entire family. Our desire was always to take care of my father at home, but due to all my brothers and sisters and their spouses working, it became impossible. Life puts a lot on you.

Our father is 84 years old with health problems, needs help with meds, doesn't qualify for nursing home care, so we looked for a personal care home when the doctor said he could not live alone. We have found a WONDERFUL PERSONAL CARE HOME near us, The Adams House. We used community references on the best place to go. References like his doctor, his priest, his pharmacist, his neighbors and the Home Health nurses that used to visit him. If you notice, we didn't use any government sources like your Department. We went to those who know.

Our father lives in a wonderful family environment. The home can take up to 21 residents, but all are treated like family, from the owner, her son and the staff. We feel like family when we visit. They even have a boxer dog who comes everyday with the owner. All of the residents look forward to seeing & playing with the dog. The owner calls it Pet Therapy. They have very good food and my father enjoys feeding the dog little bites while he eats. He says it reminds him of being at home. The care is first class and all of the residents are treated with respect and dignity, even the difficult ones.

Why do I mention all of this to you? Because my father does not qualify for nursing home care. His only income is his Social Security and he has huge medication bills. He can only afford to pay \$1000 because of it. The home has many residents on the supplement. Since they cannot raise the rates on the SSI residents they can only increase by charging the others more money. Even doing that, their rates are still lower than any of the other homes in the area. It is all we can afford, believe me. All of the changes you are planning to make will increase our monthly payment to much more than we can afford to pay. The owner told us that you said it will only cost \$680 to implement these regulations, but she has shown me where just in staffing alone, it would cost the home about \$5000-\$6000 per month just to have an administrator on the premises 24 hours like you are going to require. She tells me this is more than her entire payroll for a month. She tells me she cannot raise the rates on the SSI residents, and since she doesn't have

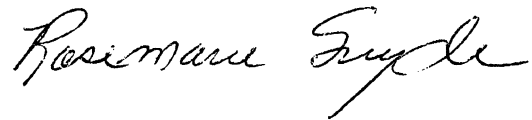
enough private pays to raise that amount of money, she will be forced to close the home. Please help us, Ms Nevius. We don't know where we would put our father, because we have called around and all the other homes already charge more and will also have to increase their rates.

Our father is in a safe place. His health and welfare are not only okay, but protected in the home he lives in. Why do you want to take that away, and where do you suggest we take him when this home closes? Do you have children, Ms. Nevius? We cannot cut any more from them. It is unfair and wrong for the state to change my father's personal care home, especially if you are not going to offer any alternatives.

I think the most appalling issue that I have read in the Pittsburgh Post Gazette is that you have not even enforced the regulations you have now. The article pointed out how critical issues went on for long periods of time. None of those issues in that article have EVER been a concern at my father's personal care home. Maybe if you had spent your time enforcing the regulations that are now in place, then the excessive regulations would not have been needed.

We appeal to you to cut the excessive regulations and enforce the current ones. I understand that all of the personal care home administrator organizations have been making suggestions to you over the past year and a half, but most of them have been ignored—especially the critical ones. Please, do not make my father and others move out of the place they have called "home" for several years now. Be reasonable.

Sincerely yours,

A handwritten signature in cursive script, reading "Rosemarie Syde". The signature is written in black ink and is positioned to the right of the typed name "Rosemarie Syde".

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form Q)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Edward Hill	The Adams House 314 Fallowfield Ave Charleroi, PA 15022	10-24-02
Cecilia Lucuani	Same	Same
Marshall Marvenko (2 comments sent)	Same	Same

October 24, 2002

Edward Hill (age 34)
The Adams House
314 Fallowfield Ave.
Charleroi, PA 15022

Teleta Nevius Director
Dept. of Public Welfare
Rm.316 Health&Welfare Bldg.
PO Box 2675
Harrisburg, PA 17120

Dear Ms. Nevius,

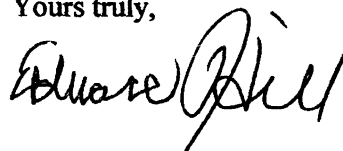
I have lived at The Adams House for over two years now. I was with them when they had the smaller home (8 beds) up on the hill. I loved this home as soon as the owner showed it to me. I was the first resident to see it before we moved. I still love this home. The reason is—it is my home. The owner says we can take 21 residents, but she says we would probably only take 20. To take 21, she would have to change our upstairs living room to a bedroom. She wouldn't want to do that.

She tells me that you are asking her to change some of the bedrooms to make them larger—so the residents can be comfortable. For what—to sleep at night? That is about the only time any of our residents are in our bedrooms. Once in awhile one of us takes an afternoon nap, but we need bed space, not floor space for that. We all spend time together in the downstairs living room, the dining room, or the deck. And we spend a lot of time interacting with staff in the dining room—anytime. We are FAMILY.

Why do you want to take our home from us? We do NOT understand. The owner tells us that if she has to hire all the extra staff you are asking in the new regulations, that she will have to close the home. We are all afraid. A lot of us have mental illness, can go out on our own and love the home because it is right downtown Charleroi. But we could NEVER live alone. Our doctors have decided that. Some of us have NO family except for the Adams House. Where will you send us, Ms. Nevius? Are you prepared to find new homes for us. We can't go to nursing homes, so please tell us what we will do.

I wanted to mention also, that the owner does things for us that I think a lot of owners wouldn't do. She takes me and another lady to her house for Thanksgiving & for Christmas to be with her family since we have NO family. She takes some of us to the Naascar races, to church, to the coffeehouse (from her church) and to band concerts. Sometimes we go on picnics, so we really do consider this family. Thanks for your help.

Yours truly,



Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form P)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Tiffany Wissinger	No Address	10/21/02
Helen Gregory	Same	Same
Casie Walker	Same	Same
Shirley Hornyak	Same	Same
Shirley Hopper	Same	Same
Danielle Weeir	Same	Same

October 21, 2002

Teleta Nevious, Director
Department of Public Welfare
Room 316 Health and Welfare Building
P.O. Box 2675
Harrisburg, PA 17120

RECEIVED
OCT 23 2002
DEPARTMENT OF PUBLIC WELFARE
REVIEW COMMISSION

Dear Ms. Nevious,

I am an employee in a personal care home. I have been advised about the proposed changes in the Personal Care Home regulations. While I am in total support of a solid set of regulations that ensure that the health, safety and well being of the residents, I find many of the proposed changes to be excessive. Many of these requirements are stricter than those in nursing homes, which take care of sicker and more dependent residents.

I am particularly concerned about the age requirements for new employees and the qualifications for staff. It is extremely difficult to find caring individuals who want to do this type of work. Because you are under the age of 18 or do not possess a high school diploma or GED does not mean that you are not a hard worker, caring and compassionate; three things that are far more important than age or education. While I understand that current employees not meeting these qualifications will be "grand fathered", I feel it is unnecessary that they must meet the new requirements if they leave this work environment for more than a year and want to return to this setting.

I support training and education. The personal care home that I work in provides me with numerous opportunities to expand my knowledge and teach me more about caring for the elderly. However, requiring 24 hours of training is 12 hours more than what is required if you work in a nursing home setting. I think requiring 12 hours of training each year is more realistic. It would be very difficult for my personal care home to cover three days of training each year for every employee and still maintain the care of the residents. We do not have a large staff, covering these absences would be difficult and costly and the residents will end up paying for this expense in the long run.

These are just a small few of the proposed changes that I feel are unnecessary and excessive. There are many more that require additional paperwork and additional expense to the facility and the residents will end up paying for these changes in the form of higher monthly fees. Many of our residents are on SSI and cannot afford to pay for the full cost of care. The facility will struggle to stay afloat if these regulations are approved. I am asking that approval of these regulations be stopped until a reasonable set of regulations can be put forth and cause no additional expense to the residents.

Sincerely,

Tiffany Wassinger RN

**Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments**

(Form O)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Jeffrey Yough	No Address	10/21/02
Rev Joseph Wargo	Same	Same
Nancy Kuhns	Same	Same
Thomas Owens	Same	Same
Christa Ritter	Same	Same

14-475 (519)

Original: 2294

October 21, 2002

Teleta Nevious, Director
Department of Public Welfare
Room 316 Health and Welfare Building
P.O. Box 2675
Harrisburg, PA 17120

Dear Ms. Nevious:

I am a member of the management team at a personal care home. I have been advised about the proposed changes in the Personal Care Home regulations. While I am in total support of a solid set of regulations that ensure that the health, safety and well being of the residents, I find many of the proposed changes to be excessive. Many of these requirements are stricter than those in nursing homes, which take care of sicker and more dependent residents.

Many of these proposed regulations seem quite excessive and will require much more time to manage and complete paperwork, paperwork that does not seem like it will have a direct impact on improving the lives of the residents. The personal care homes will have an even more difficult time finding staff. Many of the requirements will cause additional expense to the facility to implement and there is no one to bear the burden of these additional expenses except to pass the cost on to the resident in the form of higher monthly fees. Twenty-five percent of our residents are either on SSI or get a discounted monthly rate. The facility struggles each month to make ends meet so that it can continue to take care of the residents. Few of our residents are in the position to take on a higher monthly rate. If they can no longer afford the care, where are they to go? Those with limited financial resources would not be "optioned" for long-term care under medical assistance. They don't need a nursing home yet, but they also cannot return home. How will they afford the cost of these changes?

Personal care homes are social models. They are not meant to be clinical in nature. Yes, they have a health care component, but residents in personal care homes are not medically complex or critically ill. Many of the changes that are proposed closely follow that of a medical model or a nursing home. Is this the direction that the Department of Public Welfare really wanted to go? Has anyone in the Department of Public Welfare ever asked the residents and their families if they are satisfied with the care they are receiving under the current regulations? Don't penalize the good homes because of a few poorly performing homes. That is what happened to the nursing home industry and now they are riddled with paperwork and regulations that have had little effect on improving the quality of care.

Please stop these proposed changes until a set of regulations can be established that are reasonable and would not result in increased expense to the resident.

Sincerely,

Jeffrey O'Connell

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form M)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Sarah Craig	R D #2 Dayton, PA 16222	11-4-02
Ruth Gamble	R.D.#2, Box 121 Dayton, PA 16222	Same
Belinda Johnson	No Address	11/5/02

Dear Department of Public Welfare,

I am an employee of 5 years at one personal care home. A home that can truly be called a home. A home for our residents, their families, community members and lastly the other employees and myself. This home was built by the owner's family, one of which resides here. It has an environment that thrives on "family". Why do you want to change what has been built here? Why should this be a nursing facility? The people here need help with the tasks of daily living; they enjoy their time interacting with the others. They would not function in a "facility"; they truly love the environment here, the social time, the holidays and the everyday events of living. The people in our home are comfortable here; they "live" here.

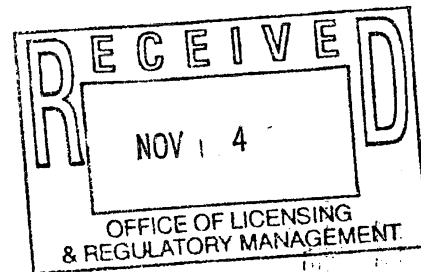
Our administrator/owner has funded any training that we obtain throughout the year. They rely on their income for this sort of training. We have several SSI recipients living in our home. Will you be raising the SSI amounts so the cost will remain a benefit for us? Or perhaps your department will be funding these training hours? Training can be beneficial, and I would be willing, but 24 hours seems unnecessary and out of reach.

As an employee and caretaker to many residents I cannot imagine the devastation in closing the doors of so many personal care homes in our area. The people that I care for truly love it here. These regulations that I have learned of seem only to be benefiting some other government department, certainly not the elderly residents who deserve to live comfortable in a warm loving environment, these are the people who have put us here, these are the people who worked hard in this world and have retired, these are the people who deserve a helping hand. It seems as though you want a medical facility, why would you do that to someone who only needs the help of a daily task? Why would you take away my income and my family security?

Thank you for your time.

Sarah Craig
RD #2
Dayton, PA 16222

Copies of this letter are being forwarded to:
State Public Health and Welfare Comm.
Independent Regulatory Review
House Health and Human Services Comm.



Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form N)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Andrew Mathias	513 NW 71 st Street Kansas City, MO 64118	10/30/02
Melody Tomlinson	3831 NW 85 th Terrace, Apt G Kansas City, MO 64154	Same
Janice Mathias	5404 NW 72 nd Street Kansas City, MO 64151	Same

14-475 (538)

Dear State Representative,

Oct. 30, 2002

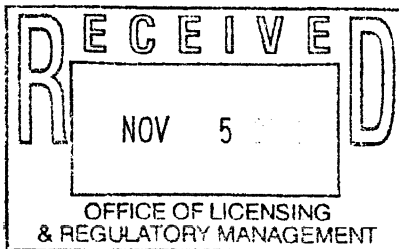
I feel compelled to write to you about a very pressing need. My grandmother is in a Personal Care Home in Armstrong County. This home provides a steady, controlled environment and supervised care for my grandmother who, though not critically ill, does need a small amount of help and supervision to accomplish some tasks such as meals, housekeeping, and laundry. The home where she lives is small, and the residents and staff are a family. They know, love and care for each other in many areas of support. Also, grandmother is near to many family members and friends. She is very happy in this situation.

I was recently informed that some new pending regulations could put this care beyond her reach financially, and possibly lead to the closure of many such facilities in the state of Pennsylvania. What I have discovered is that some people have thought that by increasing the amount and type of staff that Personal Care Homes have, they could better help the residents. If implemented these new regulations would increase the costs to the residents approximately \$900 to \$1200 per month. From Social Security, and a small pension she gets enough to pay about half of the current cost of the home. If the small personal care homes would have to close due to the unfunded mandates, the patients would end up in large facilities that do not have the same family feeling, and I believe that our seniors deserve better. I am hoping this letter will enlighten you to the proposed changes, and you will reject them. We need the personal care homes to remain an affordable and readily available option for the families of Pennsylvania.

Sincerely yours,

Andrew D. Mattice

NOV 5 2002
OFFICE OF LICENSING & REGULATORY MANAGEMENT
14-475 (538)



**Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments**

(Form L)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Virginia Sweiefert	Faith Friendship Villa P O Box 367 Mountville, PA 17554	10/25/02
Beatrice O'Connell	Same	10/25/02
Joanne Wile	Same	10/25/02
Agnes Risch	Same	10/25/02
Arnold Powelson	Same	10/25/02
Erin Wonean	Same	10/25/02
Mary Weaver	Same	10/25/02
Weida Gilmore	Same	10/25/02
Darlene (Can't read)	Same	10/25/02
Bill Greenly	Same	10/25/02
Can't read	Same	10/25/02
Margaret Cruller	Same	10/25/02
Paul Brady	Same	10/25/02
Can't read	Same	10/25/02
Shirley Trapports	Same	10/25/02
William Beard	Same	10/25/02
Patricia Stop	Same	10/25/02
Peggy Spangler	Same	10/25/02
Doub Pearle	Same	10/25/02
Dale Longenecker	Same	10/25/02
Ethel Mimm	Same	10/25/02
Betty Venson	Same	10/25/02
Ellen Weaver	Same	10/25/02
B Bushton	Same	10/25/02
Can't read	Same	10/25/02
Charles Sweeney	Same	10/25/02
Pauline Brenchak	Same	10/25/02
Can't read	Same	10/25/02
Danny Swish	Lehman's Rest Home 237 East King street Lancaster, PA 17602	10/28/02
William (Can't read)	Same	Same

Edgar Phillip	Same	Same
Harvey Stilwell	Same	Same
Edward Presch	Same	Same
Harold Benner	Same	10/25/02
Anna Graff	Same	Same
Christopher Pierce	Same	Same
Ralph Riden	Same	Same
Arlene Auker	Same	Same
Lehman	Same	Same
Esther Burkhart	Same	Same
Eugene Schrawder	Same	Same
Jason Wright	Same	Same
Myrad Thomas	Same	10/28/02
Robert Pelura	Same	10/25/02
Don (can't read)	Same	Same
Can't read	Same	10/28/02
Richard Kenney	Same	10/25/02
Kurt Adams	Same	Same
John Hendrix	Same	Same
Judith Brinn	Same	Same

Original: 2294

14-475 (193)

Ms. Teleta Nevius, Director
Department of Public Welfare,
Office of Licensing & Regulatory Management
Room 316 Health & Welfare Building
PO Box 2675
Harrisburg, PA 17120

10/25/02

Dear Ms. Nevius

This letter provides formal public comment to the Chapter 2600 Personal Care Home Regulations published in the 10/4/02 edition of the Pennsylvania Bulletin.

I am a resident in a Personal Care Home. In the proposed regulations you say that people who had an interest in the new regulations were involved with their development. But nobody asked me what I thought. In fact, nobody asked anyone that lives here with me what they thought either about the regulations.

I want you to know that I want you to make sure my home stays a nice place to live. I want you to make sure that when there is somebody who moves in, and they turn out to be a trouble-maker, they can be made to move out again. I want you to make sure that the people who work here will still have time to spend with me personally, not just with paperwork that is about me. And I want you to make sure I can still afford to live here after you make new regulations.

This is my home, and I want it to stay that way.

Sincerely,

Virginia Sweigart

Faith Friendship Villa

RECEIVED
OCT 25 2002
DEPARTMENT OF PUBLIC WELFARE
HARRISBURG, PA

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form K)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Philomana Elisco	No Address	10/30/02
Jay M. Yagersky	No Address	10/30/02
Debbie Yagersky	No Address	10/30/02
John Sagerly	No Address	10/30/02

#14-475 (111)

Original: 2294

Dear Department of Public Welfare,

I am writing this letter to you because of my great concern about the changes in the rules and regulations for personal care homes. I have a loved one in a great personal care home, and if these rules and regulations are changed, he will have no where to go. The home that he is in could not financially stay in business if all these rules are changed. They try to keep the rates affordable but they would have to raise the rates to stay in business. We don't have extra money to put towards his care, we wouldn't have to if you just enforced the rules already in place. We will have real burden trying to get her the care that he needs. The employees have always provided great care and he loves his home.

I can't believe that you would want to make these changes when it would put such a hardship on so many families. The only people that will be able to afford a personal care home will be the wealthy. I REALLY HOPE THAT YOU HAVE THOUGHT ABOUT ALL OF THE ISSUES!!!

I work and can not stay home to take care of him .He likes it where he is , he likes to have people to talk to, and does not like to be alone. He gets good meals and gets his medications when prescribed.

We all know that there are a few bad homes, but don't penalize the GOOD homes for a few the are not. I REALLY hope that these rules do not go through. I will be writing my representatives and whoever else I can to stop this!!!!

Sincerely,

Philomena Elisco

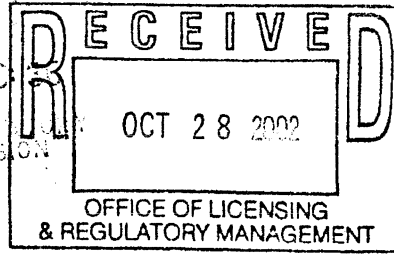
Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form J)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Raymond L. Graff	No Address	10/28/02
Robert & Anna Mae Fintey	No Address	10/23/02
Susan Wile	121 Froelich Avenue Mountville, PA 17554	10/23/02
Susan Moore	No Address	10/23/02
Robert and Verda Miller	16 Meadowview Ave Lancaster, PA 17602	10/23/02
S. N. (can't read)	No Address	Same
Cheryl Pease	Same	Same
Donna Hutchinson	Same	Same

#14-475 (146)

Original: 2294

Ms. Teleta Nevius, Director
Department of Public Welfare,
Office of Licensing & Regulatory Management
Room 316 Health & Welfare Building
PO Box 2675
Harrisburg, PA 17120



10/23/02

Dear Ms. Nevius

This letter provides formal public comment to the Chapter 2600 Personal Care Home Regulations published in the 10/4/02 edition of the Pennsylvania Bulletin. I am a family member of someone who is a current resident in a Personal Care Home. This family member has very little financial resources, and already has few quality options for their housing and care. I am extremely concerned that these proposed regulations will seriously reduce housing options and the quality of life of low-income individuals- many of whom are disabled.

Although the proposed regulations project very little cost impact on the Personal Care Homes, and the Commonwealth, I just do not see how this can be the case. These new regulations require a substantial increase in the training and documentation requirements for the staff. They increase the responsibilities and record keeping requirements that homes must do for resident care. A significant burden is placed on the homes to apparently do things that other Social Service agencies (such as Case Managers) would be expected to do, like develop Support Plans. This takes manpower to develop, implement, and maintain, but the new regulations do not take this cost into consideration. I am very concerned that if homes are expected to absorb this new expense, they will either stop taking low income residents, or close.

The proposed regulations (2600.228) also do not give the Personal Care Home enough authority to remove inappropriate residents from the home. It is not adequate to say that a resident may stay in a home for life as long as they pay their rent, do not need nursing care, and do not present a "danger" to themselves or others. My family member has just as much right to a happy and stable living environment. I am disappointed to think that DPW would expect all other residents of the home to suffer and tolerate a disruptive person who will not follow the rules of the house. The home must have the ability to maintain order, and protect the rights and the quality of life of the other paying residents. Sometimes, this involves removing an inappropriate resident.

One of the greatest features of Pennsylvania's PCH market is that it can offer consumers a home-like, environment- not a "facility"- in which to live. The home where my family member lives places great emphasis on being a "family" and it makes a positive difference in the lives of the residents. I feel that the proposed regulations are a return to an institutional/facility model. The quality of life of PCH residents is not best served by forcing them back to an institutional setting. With the additional costs, many small homes, and those who serve low income residents, will struggle to survive.

Not only will many small businesses fold, but the quality of life for Personal Care Home residents will take a step backward. These regulations do not serve the short and long term needs of the Commonwealth. Public hearings should be held, and the draft again re-evaluated and revised to protect the interests of all Pennsylvanians.

Sincerely,

Mr. Raymond L. Duff

Please, do not make any changes at this home. They have an excellent staff, and the people get the best of care.

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

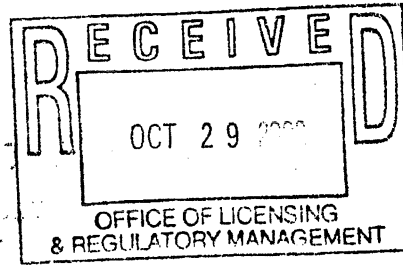
(Form I)

NAME	ADDRESS	DATE of CORRESPONDENCE
Patricia Hildebread	No Address	10/18/02
Mary E. Leed	No Address	10/18/02
Judith Mittoler	No Address	10/18/02
Can't Read	Same	Same
Joanne Horst	Same	10/25/02
Donna Hutchison	Same	10/23/02
Cathy Kineer	1716 River Road	10/18/02
	Merietta, PA 17547	
Kristerre Knein	Faith Friendship Villa	10/18/02
	P O Box Mountville, PA 17554	
Christie (can't read)	Lehman's Rest Home	10/18/02
	237 East King Street	
	Lancaster, PA 17602	

#14-475(159)

Original: 2294

Ms. Teleta Nevius, Director
Department of Public Welfare,
Office of Licensing & Regulatory Management
Room 316 Health & Welfare Building
PO Box 2675
Harrisburg, PA 17120



Dear Ms. Nevius

10/18/02

This letter provides formal public comment to the Chapter 2600 Personal Care Home Regulations published in the 10/4/02 edition of the Pennsylvania Bulletin. As a Personal Care Home employee, I am extremely concerned that these proposed regulations will seriously impact my employment options in Personal Care, and increase my personal liability in the care that is given. The proposed regulations will require far too much from PCH providers and turn our homes into facilities, not residential living.

- I am concerned first of all by the definition of abuse that is in the regulations. Item (i) does not consider actual intent by the employee to harm. This definition of abuse is based largely by how the resident responds. Thus if a resident FEELS like he was talked to inappropriately by staff, he can claim abuse very easily. And if a resident doesn't receive certain services, the Home will need to demonstrate that they did everything they could, no matter how burdensome, or possibly be accused of neglect (item v). Of course I am not trying to minimize the seriousness of resident abuse. However, we as employees- especially those in mental health environments- have rights and need protection too.
- Administrator qualification requirements (2600.57) and Direct care staff training has also significantly increased (2600.58-60). This is excessive in a residential living environment. PCH's are not skilled care as are nursing homes. DPW's implication is that our PCH, and myself as well, is not currently qualified to care for our residents adequately. I disagree.
- PCH providers, and also the staff, will be required to assume greater responsibility because of statutes in 2600.226 that make the Home responsible for developing Support Plans that document all the resident's needs, and how they are met. The regulations (2600.41) also require that the Home be the primary source of assistance in obtaining clothing, transportation, rehab, health and dental care. These tasks are now considered "resident rights" which places a very high legal responsibility upon me as a PCH worker. Personal care jobs are not very high paying, and they definitely will not compensate me adequately to take on this new liability.
- The proposed regulations (2600.228) do not give adequate ability to remove unsuitable residents from the home. Someone may not be a physical "danger" in the home, but because of their behavior, they may be extremely offensive or disruptive. It simply is not fair to make all the other residents suffer in order to let one person have his way. And as a staff person, I can say that the behavior of residents plays a big part in the quality of my working environment. If PCH's are forced to provide housing to people who are not willing to comply with House rules, many of us would probably need to seek employment outside this field.
- Finally, when detailing the costs of the new regs to the private and public sectors, there is no mention of the resulting manpower cost to the PCH for developing these home specific programs, procedures, Support Plans and other documents. There is no mention of the additional staff that will be required to maintain the programs, record keeping, or extra staff to do personal care that is not direct care. There is no consideration for the cost of removing administrators and staff from the home for additional training.

These regulations do not serve the short and long term needs of the Commonwealth. Public hearings should be held, and the draft again re-evaluated and revised to protect our interests.

Sincerely,

Mary E. Reed
Employee at Lehman's Rest Home, Lane Pa.

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form G)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Robert S. Polovina	Rosewood Manor 322-324 N. Pennsylvania Ave Greensburg, PA 15601	10/25/02
Jeanetta (can't read)	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02
Feniyah McCord	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02
Stephanie Chalfant	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02
Debra Beaufort	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02
Mary Kay Doughty	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02
Audrea Cheruosky	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02
Darin Canody	Rosewood Manor 322-324 N. Pennsylvania Ave. Greensburg, PA 15601	10/25/02



October 25, 2002

Dear Department of Welfare,

I am a proud employee of one personal care home named, Rosewood Manor in Greensburg, PA. A home that I want to work in and be in existence for many years to come. This is the residents home that they love and we want to keep them here in there enviornment. If you pass the new regulations not only will I not have a job but the residents will have no home because all the money will be spent on paper work, professional staff, education, support plans and many other items that can not be afforded. SSI residents even at this time do not receive enough money to pay there monthly room and board.

We would like the education to help us be more understanding and compassionate, but keep it at eight hours only. Support plans, what are these?

We are not a nursing home, a PCH is privately owned and operated and the overseer is the DPW. Lets keep it this way.

Sincerely,

Roberta S. Polovina

Rosewood Manor Employee

RECEIVED
 REVIEW COMMISSION
 OCT 25 2002

**Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments**

(Form H)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Chad Hamilton	No Address	10/30/02
Barbara Carlin	No Address	10/30/02
M Andersen	No Address	10/30/02
Elizabeth DeSalvo	No Address	10/30/02
Pam Stoope	No Address	10/30/02
Franklin Black	No Address	10/30/02
Darla Terpilowski	No Address	10/31/02
Brandon M. Moore	No Address	10/31/02
Phae D. Cutchall III	No Address	10/31/02
Sally Lastoria	No Address	10/31/02
Anita Coomber	No Address	10/31/02

#14-475 (115)

Dear Teleta Nevius,

I am not in the habit of writing letters, but I have been compelled to do so because of the new rules and regulations that are about to go through for personal care homes across Pennsylvania. These new rules do not give more quality care they only create rhetoric for the operators.

This letter is to call your attention to a probably well intentioned but misguided attempt by our PA. Legislators to regulate what they see as a shortcoming in the personal care homes in PA. They are trying to pass legislation to require that many of the duties in the personal care homes now performed by the trained and competent staff members be restricted to nursing staff. While there is no argument that nurses can and do provide a wide range of very valuable services to critically ill patients there is also a cost factor associated with an increase in the number of hours worked and having RN's on duty. The types of homes I am talking about are not for critically ill patients, they are for either elderly or otherwise challenged patients who generally need assistance with some personal care issues such as cleaning, meals and other less critical duties. By making the proposed changes many of the smaller personal care home operators could be forced out of business. This could lead to a decrease in the overall number of beds available for our senior citizen population and deprive families of the ability to frequently visit their elderly relatives at convenient, local personal care homes.

Another issue associated with these proposed regulations is the very simple fact that there is already a very well known shortage of nurses. There may simply not be enough nurses to go around. This once again leads to the closing of many personal care homes that currently exist. Tie this in with the increased costs to the already financially strapped families and we can all see that while these regulations are intended to increase homes that would operate outside of the law. The care of our elderly citizens is definitely important but increasing the costs to the already burdened families and depriving them of a choice of locations is not the proper way to go about it.

Sincerely,

Chad Hamilton

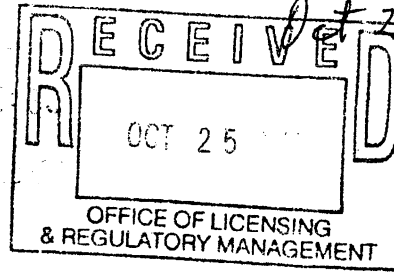
AMERICAN COLLEGE OF NURSING
1000 ...
...

**Department of Public Welfare
 IRRC # 2294 (#14-475)
 Title: Personal Care Homes
 Agency Comments**

(Form E)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Ray Rertz, Pastor	Mountville Mennonite Church 205 Frochich Avenue Mountville, PA 17554	10/23/02
Brent Hess, Associate Pastor	Mountville Mennonite Church Mountville, PA 17554	10/23/02
Mr & Mrs Fred Joost, Jr.	1110 Oakmont Drive Lancaster, PA 17601	10/21/02
Lynn & Carol Weaver	No Address	10/23/02
Jim Huber	Commonwealth Marketing Associates 113 Shannon Drive Lancaster, PA 17603	10/24/02

#14-475 (84)

Ms. Teleta Nevius, Director
Department of Public Welfare,
Office of Licensing & Regulatory Management
Room 316 Health & Welfare Building
PO Box 2675
Harrisburg, PA 17120



Dear Ms. Nevius

This letter provides formal public comment to the Chapter 2600 Personal Care Home Regulations published in the 10/4/02 edition of the Pennsylvania Bulletin. I am extremely concerned that these proposed regulations will harm or even close many fine Personal Care Homes, and also seriously reduce housing options and the quality of life of low-income individuals- many of whom are disabled. One of the greatest features of Pennsylvania's PCH market is that it can offer consumers a home-like, even family, environment- not a "facility"- in which to live. I feel that the proposed regulations will place an insurmountable burden on PCH providers and are a definite shift to an institutional/facility model. The quality of life of PCH residents is not best served by forcing them back to an institutional setting.

Smaller, family style homes (possibly all those from 4-50 beds, representing over 1200 homes throughout the State), and those that serve the poor (10,500 beds in the State) simply will not be able to comply. The closure of many homes, or at best higher costs, will result in a transfer of the resulting costs to the consumer, or to the Commonwealth in cases of low-income residents. My major points of concern are as follows:

- Administrator qualification requirements (2600.57) have been increased from 40 hours of training, and 6 hours annual continuing education, to 60 hours of training, 80 hours of internship in another PCH, and 24 hours of annual continuing education, with no demonstrated need. In addition, new administrators must have some form of secondary education, or be a licensed nursing home administrator. Smaller, family style homes, and those that serve the poor simply will not be able to afford this level of qualification when seeking new administrators. Furthermore, to require PCH providers to assist in training their competitors is unreasonable.
- Direct care staff training has also significantly increased (2600.58-60), with extensive written training plans, individualized training plans for each employee (including required orientation, demonstration of duties, guided practice, and testing before they may work unsupervised). This is excessive in a residential living environment. PCH's are not skilled care as are nursing homes. Smaller, family style homes, and those that serve the poor, will not be able to comply.
- PCH providers will be required to assume greater responsibility- and insurance liability- by proposed statutes in 2600.226 that make the Home responsible for developing Support Plans that document all the resident's needs, and how they are met. The regulations (2600.41) also require that the Home be the primary source of assistance in obtaining clothing, transportation, rehab, health and dental care. These tasks have been historically, and more appropriately, the responsibility of Social Service agencies such as Dept of Aging, MH/MR, and DPW. By forcing these tasks upon the home, DPW will open up PCH's to increased frivolous lawsuits, affect insurance coverage/availability, and force PCH to hire Social Workers- a cost which smaller homes and those that serve the poor can not bear.
- The proposed regulations (2600.4, 2600.54-56) have also confused the terminology of direct care staff and personal care staff as they pertain to staffing ratios. "Direct care staff" is a new term introduced in this draft, and applies only to non-administrative personnel who assist with "Activities of Daily Living"

such as hygiene, dressing, eating. Yet there are a substantial number of services in the current regs under "Personal Care Services" that are now classified as "Instrumental activities of daily living" such as managing money and doing laundry. These tasks would thus no longer be considered as actual personal care (now direct care) hours. Yet while the draft still requires 1 hour of personal care per resident, only Direct Care personnel and their tasks count towards the requirement. Many semi-independent people simply do not need 1 hour a day of grooming and hygiene assistance. As a result this will cause higher staffing, as additional staff will be hired to do those tasks that used to be counted as personal care. In other words, although the Draft claims to have not changed staffing ratios, it has changed the definition of what can be counted towards those ratios, which will indirectly therefore require more staff. Family style homes, and those that serve the poor, simply will not be able to survive.

- The proposed regulations (2600.228) are seriously lacking in enabling PCH providers to remove unsuitable residents from the home. This requirement essentially negates the role or force of house rules to maintain order and harmony. It is not appropriate to require PCH providers to guarantee a resident a home for life as long as they pay their rent, are within PCH care limitations, and are not a danger to themselves or others. PCH's involve the group living of numerous individuals, of various personalities, behavioral patterns, and at times mental illnesses. A resident can be extremely disruptive or offensive to the home, its residents, and the community without being "a danger". In such cases, the home must have the ability to remove this person, maintain order, and protect the rights and the quality of life of the other paying residents.

- Finally, when detailing the costs of the new regs to the private and public sectors, there is no mention of the resulting manpower cost to the PCH for developing these home specific programs, procedures, Support Plans and other documents. There is no mention of the additional staff that will be required to maintain the programs (like Quality Management 2600.27), record keeping, or extra staff to do personal care that is not direct care. There is no consideration for the cost of removing administrators and staff from the home for additional training. Since training is not "direct care" there is no consideration of the cost to use supplemental staff to fill in for staff while they are being trained. There is also no mention of the additional costs associated with physical changes required in the number of toilets (2600.102), a communication system (2600.90), installing new surfaces (2600.88), dishwashers (2600.103), or type of mattress (2600.102k).

Contrary to what is stated, these proposed regulations will not improve the quality of PCH care, and will have significant cost impacts to the Private and Public sectors. They will not preserve and nurture good personal care homes, as they are cost prohibitive, are facility- not home- modeled, and add such a burden of liability as to remove the incentive for new individuals to enter the PCH field, especially in regards to low-income, disabled residents. Not only will many small businesses fold, but the quality of life for Personal Care Home residents will take a step backward. These regulations do not serve the short and long term needs of the Commonwealth. Public hearings should be held, and the draft again re-evaluated and revised to protect the interests of all Pennsylvanians, especially the most vulnerable.

Sincerely,

Ray Renty,
Pastor, Mountville Memorial Church
205 Froelich Ave
Mountville, Pa 17554

**Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments**

(Form F)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Norman R. Mack	No Address	10/18/02
Karen L. Stafford	4742 Wood Street Willoughby, Ohio 44094	10/18/02
Janet E. Puiginch	Victorian Gardens Personal Care Home 468 S. 13 th Street Indiana, PA 15701	10/18/02
Galen R. Mack	322 Mack Drive Vintondale, PA 15961	10/18/02
Kathryn Langhan	No Address	10/18/02
Ann Campbell	2185 11 th Street Indiana, PA 15701	10/18/02
Patricia George	197 Parkview Lance Indiana, PA 15701	10/18/02
Alfred & Frances Mack	117 Meck Drive Vintondale, PA 15961	10/18/02
Dennis Langham	2815 Orchard Drive Willoughby Hills, Ohio 44092	10/18/02
P. Langham	Grove Ave Willoughby Ohio 44094	Same
Michael & Karol Stewart	25528 Highland Road Cleveland, OH 44143	Same
McCoy Family – Anna Simpson	460 Elm Street Indiana, PA 15701	Same
Jennifer Barbus	No Address	Same
Forrest Mack	Same	Same
Evelyn Mack	Same	Same
Gary & Kathryn Czapor	14203 Valleyview Drive McKeesport, PA 15131	Same
William Minerd	No Address	Same
Sandy Weimer	Same	Same
Pam Walters	Same	Same
Kaitlin Yatula	Same	10/18/02
Anthony Stakeles	No Address	Same

Kimberly Fatula	Same	Same
Gertrude & Edward Gillis	Same	Same
Wayne Mack	Same	Same
Frances Mack	Same	Same
Richard Fatula	Same	Same
Alfred K. Mack, Jr.	Same	Same
Tuval Farquhar	32 Marlee Road Pleasant Hill, CA 945-23	10/18/02
Betty Langham	2815 Orchard Drive Wickliffe, OH 44092	Same
Marcella Farquhar	32 Marlee Road Pleasant Hill, CA 94523	Same
Joel Larighard	No Address	Same
Jessika Rodkey	Same	Same
Jessika Louzhard	Same	Same
Norma McIntire	200 Mack Drive Vintondale, PA 15961	Same
Barbara Kish	54 9 th Street #59 Lucernmines, P 15754	Same
Randy Rodkey	No Address	Same
Susan Rodkey	Same	Same

Original: 2294

#14-475 (152)

RECEIVED

REVIEW COMMISSION

October 18, 2002

Teleta Nevius, Director
Department of Public Welfare
Room 316 Health & Welfare Building
P.O. Box 2675
Harrisburg, PA 17120

Dear Teleta Nevius,

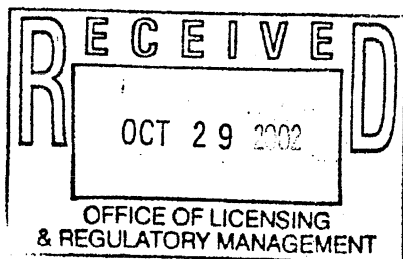
I am not in the habit of writing or calling members of the state or local government but at this time I feel compelled to do so by personal need. I have a relative in what is termed a Personal Care Home. These homes provide a steady controlled environment and supervised care for my relative who, though not critically ill, does need a small amount of help and supervision to accomplish some tasks that they used to be able to perform for themselves.

I was recently informed that some new pending regulations could put this care beyond my reach financially. And possibly lead to the closure of many such facilities in my local area. What I have discovered is that some people have thought that by increasing the amount and type of staff that personal care homes have, they could better help the residents. They seemed to have forgotten that the extra help will cost extra money, enough money that my family will not be left with a care option that meets our needs and our budget. The cost to our family will double or even triple!

I am hoping this letter will enlighten you to the proposed changes and you will do your part to keep personal care homes an affordable and readily available option for families that want to be able to frequently visit loved ones who need a little extra help as they mature.

Sincerely Yours,

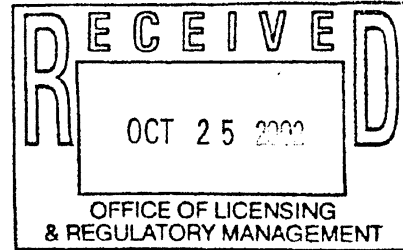
Norman R. Mack



Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form D)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Jessica L. Higgins	No Address	10/25/02
Debbie Rozzi	No Address	10/25/02
Dorthea Fuge	No Address	10/25/02
Donna Haller	No Address	10/25/02
Kimberly Dannell	No Address	10/25/02

Original: 2294



#14-475
(41)

Dear Department of Public Welfare,

I am a proud employee of a personal care home. A home built that I love for many reasons. Truly because it is a home. A home for our residents, their families, community members and lastly we employees. It is a nurturing environment built by our owner and administrator. An environment that thrives on interaction and communication. With that foundation, the health and safety and welfare of our residents is our main concern.

Our owner has kept us up to date over the last year about the proposed regulations. They have shared with us each draft. Why do you want to change what we have built? Why do you want to make us into a nursing facility? Why do you want to close so many homes?

We receive the training that is required and we feel that is more then enough to help us care for our residents. Twenty four hours of continued training is way too much. First off getting good speakers for 24 hours, second paying us to attend additional 24 hours, and third paying people to watch the floors, and finally a half of our residents are SSI residents. Ms. Nevius, will you be supplying the extra money for these hours so our owner doesn't have to raise rates? Ms. Nevius, will you be helping our residents who will not be able to afford the increase find new homes? They are loved here, cared for here, call us home. As a personal care home employee may I suggest going to eight hours from twenty four. Don't add hours that will not be productive, wasteful, and useless.

This is an important issue. This is important to resident safety. But, it is way too much. Resulting in wasted hours and wasted time. If these new rules and regulations are passed our employers have informed us that they will not be able to operate. That will eliminate all of our jobs plus twenty seven residents will be out of their homes. I truly hope that you have put in a lot of thought to these new rules and regulations. I have heard that if you just enforced the old ones that that would be the answer. We have a med system that the pharmacy prepares all the meds and puts them in packets with the residents names on them.

But under these new rules we wouldn't even be able to pass these meds or even give a tylenol when it is needed. Our employers have tried to keep us informed but there are so many changes that would occur that they would not be able to stay in business. This cant be happening here-not in America where we have so many freedoms. The SSI residents are going to have nowhere to go, did you think of this? We were told it was brought up, where's the answer to this BIG question? We were told that there are 33,000 residents in homes who are on the supplement, there will be no homes to take these people. Every home will be taking only private pay then where do they go. It'll be bad enough that they have to move from their home but then have nowhere to go. It's so senseless. Do you have a parent in a personal care home? If you do be prepared to pay a lot more, because that's what YOUR RULES will do to you too!!!

Sincerely yours,

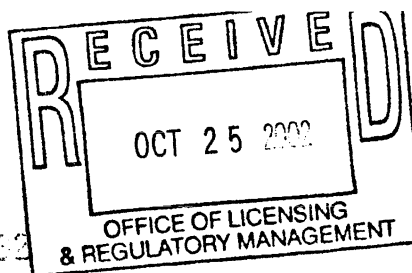
Jessica L. Higgins
Jessica L. Higgins

2002 OCT 30 AM 10:31
REVIEW COMMISSIONARY

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form C)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Florence Hiaczo	No Address	10/25/02
Gretchen Kennedy	No Address	10/25/02
James S. Smith	No Address	10/25/02
E. McKinney	No Address	10/25/02
Dale Karns	No Address	10/25/02
Dorothy B. Hall	No Address	10/25/02
Elizabeth (can't read)	No Address	10/25/02
Betty L. Black	No Address	10/25/02
Mrs. Koch	No Address	10/25/02
Julius Stabryla	No Address	10/25/02
Eva Malley	No Address	10/25/02
James Black	No Address	10/25/02

Original: 2294



#14-475
(63)

Dear Department of Public Welfare,

I am writing this letter because I receive the supplement for personal care. I am in one of 2 homes in Lawrence County that accepts the supplement. I am very concerned because my provider has informed me and the other SSI residents that maybe we will not have a home to live in. I have no savings I have no money . Where is this extra money going to come from? I have heard that there are 33,000 residents in personal care homes that receive the supplement ,where are they going to go. My provider said that they may only be able to accept private pay residents if this goes through.

I am a resident in a very nice personal care home. I consider this my home, I am very ;happy here. I receive very good meals, I get my medications on time, they keep everyone cleanand neat.

We are well taken care of . I need help with some daily tasks, but don't require a nursing home. All of these new rules are making personal care homes into nursing homes. **WE DON'T NEED THAT.** Also we can not afford that. I am begging you to listen to the providers when they give suggestions. They are the ones that are there with us everyday, they are the ones that truly care about us and our care. A lot of homes including the one that I reside in will be closed due to these rules. I don't want to move, I like my home. Everything that you are trying to pass will not mean more loving care it just means more cost to the providers and that cost has to be passed on to us,,**THE RESIDENTS!!!!** Our home tries to keep our costs low so that we can afford to be here, but you are forcing them to raise prices so that many, many people will not be able to be in homes anymore. **THIS DOESN'T MAKE SENSE!!!!**

Sincerely,

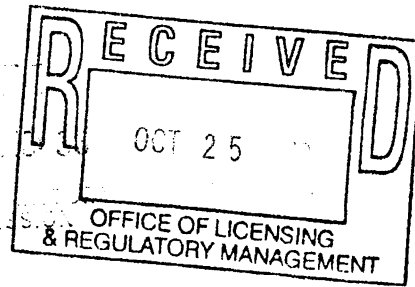
Flora Hrazgo

Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments

(Form A)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Alan Grezzini	473 Cook Street Fayette City, Pa 15438	10/17/02
Louis & Emma Rucua	No Address	10/17/02
Joseph W. Lopez	35 MNL Berry Street Belle Vernon, PA 15012	10/17/02
Angelo Tollare	826 Bell Street Belle Vernon, PA 15012	10/17/02

#14-475(82)

10/17/02
Commonwealth of Pa
Department of Public Welfare
Office of Licensing and Regulatory Management
Teleta Nevius, Director
P.O.Box 2675
Harrisburg, PA 171105-2675



RE: Proposed new regulations for the Personal Care Home industry

To whom it may concern:

We have learned that the new proposed regulations will create a large problem for us. You know that whenever businesses have major cost increases it is the consumer, or in this case the resident and their families, that bear a majority of the financial burden.

Since these new regulations will affect all personal care homes in my area, it will affect us. If all of these regulations are approved as they stand we will not be able to pay the increased cost that the personal care home will charge, and since all personal care homes that stay in business, will raise their rates too, you need to tell us what we are to do since we can not afford the new rates.

- We would like to name the specific regulations that we have problems with.
- These listed regulations are the ones that will be doing the most financial damage to us.
- 2600.19 Waivers (bathrooms for family? how many family visitors need to be supported?)
- 2600.26 Costs based on outcome of support plan (we will not know what they will charge for up to 15 days)
- 2600.58 Staff Training and Orientation (we see a lot of turnover, making it harder to hirer
- 2600.59 Staff Training Plan people won't give us better care, actually the
- 2600.60 Individual Staff Training opposite since existing staff will have to work overtime to cover for those who quit on short notice
- 2600.58 Annual staff training (24 hours when hospitals require 12?)
- 2600.181 Self Administration (professionals to put a pill in someone's mouth? an unnecessary expense!)

If you do not alter or delete these regulations you will be creating a major problem for my family. Again, what do you propose we do when rates go up so much we can not afford them and are left with no place to go?

Sincerely,

Joseph W. Losey
35 MULBERRY ST.
Belle Vernon, Pa.

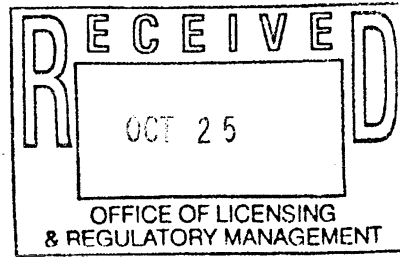
724-929-4578

This proposal is so bad. My mother is in a P.C.H. now & has No money. I'm paying for the whole thing. This proposal, if passed, would raise my bills for my mother by thousands. J.W.L.

**Department of Public Welfare
IRRC # 2294 (#14-475)
Title: Personal Care Homes
Agency Comments**

(Form B)		
NAME	ADDRESS	DATE of CORRESPONDENCE
Gloria Wiley	No Address	10/25/02
Michael Yogersky	No Address	10/25/02
Catherine Malk	No Address	10/25/02
Leona McCuley	No Address	10/25/02
Paul Rosta, Sr.	No Address	10/25/02
Russie Burnhart	No Address	10/25/02
Mary Grim	No Address	10/25/02
Lori Miller	No Address	10/25/02
Alberta McElawin	No Address	10/25/02
Carl DiCarlo	No Address	10/25/02
W. J. Hamprey	No Address	10/25/02
W A Renner	No Address	10/25/02

Original: 2294



#14-475
(LD)

Dear Department of Public Welfare,

I was recently informed of the new rules and regulations that are about to be passed. I am a resident in a very nice personal care home. I consider this my home, I am very ;happy here. I receive very good meals, I get my medications on time, they keep everyone clean and neat. We are well taken care of . I need help with some daily tasks, but don't require a nursing home. All of these new rules are making personal care homes into nursing homes. WE DON'T NEED THAT. Also we can not afford that. I am begging you to listen to the providers when they give suggestions. They are the ones that are there with us everyday, they are the ones that truly care about us and our care. A lot of homes including the one that I reside in will be closed due to these rules. I don't want to move, I like my home. Everything that you are trying to pass will not mean more loving care it just means more cost to the providers and that cost has to be passed on to us,,THE RESIDENTS!!!! Our home tries to keep our costs low so that we can afford to be here, but you are forcing them to raise prices so that many, many people will not be able to be in homes anymore. THIS DOESN'T MAKE SENCE!!!!

I hope you realize that when homes are closing you are the ones responsible to find them places to stay. Or don't you care? I implore you—don't pass these rules and regulations.

Sincerely,

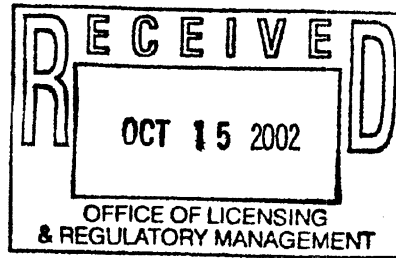
Doris Wilby

RECEIVED
OCT 25 11 03 AM '02
OFFICE OF LICENSING & REGULATORY MANAGEMENT

Original: 2294

14-475 ①

PALA
PENNSYLVANIA ASSISTED LIVING ASSOCIATION



Teleta Nevius, Director
Department of Public Welfare
Office of Licensing and Regulatory Management
Room 316 Health and Welfare Building
Harrisburg, PA 17120

October 7, 2002

Dear Director Nevius,

The Pennsylvania Assisted Living Association is respectfully requesting public hearings be held across Pennsylvania on the proposed draft regulations for personal care homes, Title 55, Chapter 2600.

We ask this because:

First, the provider was left out of the process when the draft was written.

Second, many of our members have met with Teletia Nevius and Ellen Gentry, from the Office of Licensing and Regulatory Management, in several meetings across the state and were told suggestions that were made would be incorporated into the draft. On receiving a copy of the draft to be published this week, we found no changes were made.

Third, Secretary Houstoun in her forward to the proposed regulation, top of page 12, states there will be no cost to the public. This is an untrue statement and outrageous for her to have made.

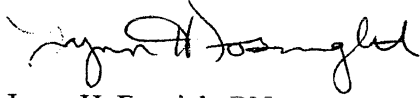
These proposed regulations will not benefit the elderly of Pennsylvania. We would be happy to work on a new draft when the time comes.

Please consider our request for public hearings.

536 Edella Road
Clarks Summit, PA 18411

(570) 586-4292

Yours truly,

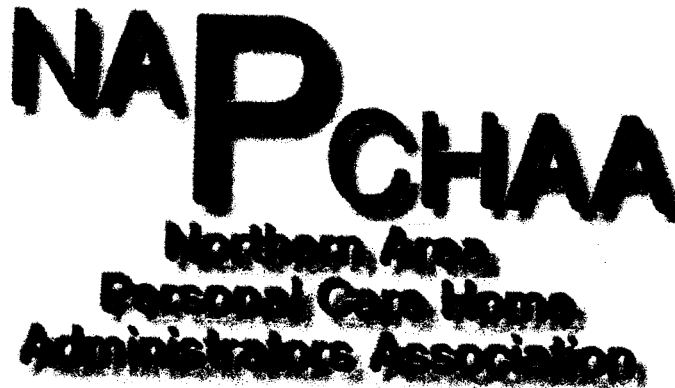
A handwritten signature in cursive script, appearing to read "Lynn H. Fosnight".

Lynn H. Fosnight RN
Secretary of PALA
Administrator of Windsor Place
412 364-6411

cc: The Honorable Senators Mowery and Murphy , The Honorable George Kenney, Secretary Houstoun and John H. McGinley, Jr. Chairman of IRRC

Original: 2294

RECEIVED
NOV-14 AM 11:07
REVIEW COMMISSION



**Final Comments on the
Personal Care Home Proposed Regulations
as published October 5, 2002 in the PA Bulletin**

**Contact: Matthew C. Harvey, President
NAPCHAA
One Windsor Way
Pittsburgh, Pa. 15237
Phone: 412-364-6411
Fax: 412-318-2077
e-mail: mharvey@napchaa.org**

Issues

The Northern Area Personal Care Home Administrators Association has placed our final comments issue by issue. Please note that NAPCHAA has also included attachments after each independent issue discussed.

Furthermore,
Please note that NAPCHAA has not covered all of the 72 issues that our Membership has with the proposed regulations. The issues are prioritized by matter of impact on the Personal Care Home PROFESSION in Pennsylvania.

Also,
NAPCHAA has included information about our organization. Our constitution, roster of full membership and our monthly newsletters from 2002.

The Northern Area Personal Care Home Administrators Association appreciates the opportunity to present our final comments and looks forward to the opportunity to discuss these comments in person.

One Windsor Way
Pittsburgh, Pa. 15237
412-364-6411 Fax: 412-318-2077
mharvey@napchaa.org

October 28, 2002

Teleta Nevius, Director
Office of Licensing and Regulatory Management
Department of Public Welfare
Room 316 Health & Welfare Building
P.O. Box 2675
Harrisburg, Pa. 17120

Dear Teleta Nevius,

The Northern Area Personal Care Home Administrators Association has participated in this regulatory process since January 2001. We have now submitted written and verbal suggestions to the Office of Licensing and Regulatory Management on 12 different occasions. What a frustrating process. There has to be a better way in the future to accomplish the goal to raise the standard for the residents of Personal Care Homes in Pennsylvania.

Residents, families, consumer advocates, providers, state agencies and elected officials all want the same thing. It is clear that the process does not work. Everything from the beginning has not worked. NAPCHAA would be remiss if we did not mention that Teleta Nevius did not come on board till this process was well under way. Teleta Nevius and Ellen Gentry have tried to the best of their abilities to bring this together. Also Andrea Algatt who is on maternity leave. Not even they could do it.

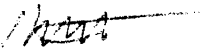
Information and facts are important to present. Many regulations do not make sense to how they came about or why they have come about. In the future, share the facts about proposed regulations. Give them to us. Share the information and let us work together to bring about a successful set of regulations. Even after two years, we still don't have all the facts or all of the information. This must change in the future.

In the future all sides must be able to present their concerns together in one room about proposed regulations. Every angle discussed. Every angle presented. Each side does not have to agree but respect each opinion and concern. Then let all parties involved come together and completes one section at a time before moving on to the next one. Consensus's, negotiation, respect for each other all working in the best interest for the health, safety and welfare of residents in Personal Care Homes.

One major problem through out this entire process has been attitude. People wonder why PROVIDERS feel left out, feel they have to constantly fight to be heard, feel bad about the process. Many times the attitude of the Social Programs Office, the Communications Office and the Secretary herself are extremely negative about PROVIDERS. NAPCHAA is here to work together to bring about positive change. It is virtually impossible when NAPCHAA must constantly fight a negative attitude. In all honesty, you will not catch NAPCHAA with a negative attitude. We are still here. We are not going anywhere now or in the future. We are the largest PROVIDER Association in the Commonwealth. And, we want to work to bring about the best for OUR residents.

As you read our response, please take time to consider all of the points we discuss. Please take time to look at cost, lack of enforcement and specific solutions we have proposed. Together we can make it happen. I look forward to your written response. I'll see you in Harrisburg soon.

Sincerely yours,



Matthew C. Harvey
President
Northern Area Personal Care Home Administrators Association
df



Northern Area
Personal Care Home
Administrator's
Association

Serving:
Allegheny
Armstrong
Beaver
Butler
Clarion
Crawford
Erie
Fayette
Greene
Indiana
Lawrence
Mercer
Venango
Washington
Westmoreland
Counties



Matthew C. Harvey
President

NAPCHAA
One Windsor Way
Pittsburgh, Pa. 15237

Phone: 412-364-6411
Fax: 412-318-2077
Email: mharvey@napchaa.org

November 4, 2002

Our Mission Statement

The Northern Area Personal Care Home Administrators Association (NAPCHAA) is a professional organization of personal care/assisted living facilities and other healthcare support services dedicated to providing quality care, awareness of governmental issues, education and mutual support for the residents and the families we serve in Western Pennsylvania.

Now serving Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties.

NAPCHAA continues to grow and will be serving Cambria and Somerset Counties starting in November of 2002. Western Pennsylvania has been NAPCHAA's foundation, currently we have members in 36 other Counties across Pennsylvania.

Proactive

NAPCHAA has been working to represent the Personal Care Home profession since 1993. The desire then as now was to gather on a regular basis for networking and sharing of ideas. As time has gone on, that original purpose has broadened as well. NAPCHAA is "proactive" and recognized as a "leader" on legislative and regulation issues, along with the Department of Public Welfare, The Office of Regulatory Management and our local Pennsylvania Representatives and Senators (70 in all). NAPCHAA attends and speaks out on our Personal Care Home profession several times a year in Harrisburg. Over the past three years NAPCHAA has made 73 trips to attend the following meetings Pennsylvania Personal Care Home Advisory Board, State Stakeholder meetings on the Proposed 2600 Regulations, Senate Aging and Youth Committee, Senate Public Health & Welfare Committee, Senate Banking and Insurance Committee, House Aging and Older Adult Services Committee, House Health and Human Services Committee and countless visits to visit the offices of Western Pennsylvania's Legislators.

Our Philosophy

The Northern Area Personal Care Home Administrators Association would rather work with the Department of Public Welfare, the Office of Regulatory Management, The Legislature and Consumer Advocates NOW, come up with changes we can work with together for the Health, Welfare and Safety of our residents. We believe it is much better to participate, than to sit on the sideline and complain later.

Membership

NAPCHAA has grown into the largest Personal Care Home PROVIDER organization in the entire Commonwealth of Pennsylvania. Being proactive, showing leadership, working for quality care and working to improve the Health, Welfare and Safety for our residents. Our members come in all sizes and shapes. Our members homes range from 6 to 157 residents. The vast majority of our membership are family owned homes. NAPCHAA has 215 Full Members and 90 Associate Members as of this date.

Policing our membership is important to our Profession. NAPCHAA has turned down several homes for membership due to concerns of standards in those homes. One of our greatest strengths has been several success stories of homes asking NAPCHAA for help to correct concerns in their homes. Professionals coming forward, seeking help from their peers and receiving the help they need. Not as competitors but, as partners for the best interest of the residents and families we serve in Western Pennsylvania.

Education

Education of our membership is our 2nd major goal. NAPCHAA has offered Continuing Education Credits to our membership since 1993. Each year we ask for input on topics that Administrators would like to participate in. What are the areas they need more education and experience in? Once we receive the data, professionals in each subject area are located and scheduled to attend our sessions. In the past NAPCHAA has offered one to two sessions a year. In 2003 we will be offering four Continuing Education Credit Sessions across Western Pennsylvania. Our sessions are open to members and non-members. Owners, administrators, supervisors and staff of homes attend our sessions.

During September of this year 167 different homes participated in our Continuing Education Credit Sessions. Subjects we have covered in the past include: Maintaining and Improving Quality Care, Raising your Standard of Care, Understanding and Complying with the Department of Public Welfare, Employment/Employee Recruitment, Employment/Employee Retention, Legal Issues facing Personal Care Homes, Geriatric Mental Health, Ask a Pharmacist, Benefits of Using Hospice in a Personal Care Home, Department of Licensing Presents Draft Regulations, Benefit Packages to Maintain Staff, Veterans Benefits and Changes, DPW Speaks and Listens, Staff Training Resources, Disaster Planning, Professional Liability Insurance, Meet Your Legislator, Top Notch Training, Grass Roots Efforts from the Home Level. Upcoming sessions include: Setting Up and Maintaining Resident and Family Councils, Policing and Enforcement for the Future, Medication Training, Alzheimer's Disease and Dementia.

The Northern Area Personal Care Home Administrators Association is committed to long term success in education and training at the Personal Care Home level. During 2003 uniform sets of training materials are being developed to bring about consistent results in resident care and home operation. These programs are being developed by administrators, owners, employees, doctors, pharmacist, residents, families and nurses. These programs will be presented to the Department of Public Welfare at their completion. NAPCHAA believes these are the secrets to success in the future to raise the level of care as a profession.

Furthermore, all of NAPCHAA's Education Credits and Programs are offered at **COST ONLY**, so that everyone may participate for the betterment of the Personal care Home Profession in Pennsylvania.

Communications

Communications is at the "Heart" of the Northern Area Personal Care Home Administrators Association. NAPCHAA generates a monthly newsletter that goes out to 962 Personal Care Homes, Consumer Advocates, Legislators, Department of Public Welfare, Office of Licensing and Regulatory Management and Industry Partners across Pennsylvania. Check out our website at: www.napchaa.org. Our website receives over 1000 hits a week. Not only from Pennsylvania but from across America. Request are received for information about homes in particular cities or areas, employment opportunities, placement of loved ones and request about NAPCHAA.

Why is communication so important? Personal Care Home Professionals are working their homes day in and day out. Setting the standard for resident care themselves. Hiring and training over and over again. Many are so busy that they can not get out to meetings on a regular basis. Therefore, our newsletter and website must provide information to keep the profession up to date. Seek their input when necessary and reflect the interest of our residents, families and providers.

NAPCHAA is Here

The Northern Area Personal Care Home Administrators Association is here, ready and willing to continue to work with all parties involved in the development and completion of the Proposed 2600 Regulations. We submit to you our concerns with the Proposed Regulations, the specific reasons for the concern and lastly specific recommendations to improve the standard and raise the bar for the Health, Welfare and Safety for the residents we serve. Let us not miss this chance to come to common ground together at this important opportunity to serve the elderly, mental health, mental retardation and other special populations that Personal Care Homes serve. We look forward to the opportunity to meet you in person to address the Proposed 2600 Regulations.

Yours in Personal Care,

Matthew C. Harvey
President

Statewide Provider Organizations Statement on Proposed Regulation CH. 2600

Representatives from the following organizations participated in the development of these statements:

Pennsylvania Assisted Living Association (PALA)
PANPHA – An Association of Pennsylvania Nonprofit Senior Services
Pennsylvania Health Care Association (PHCA) Center for Assisted Living Management (CALM)
Northern Area Personal Care Home Administrator's Association (NAPCHAA)
Southeastern Region Caregiver's Alliance (SERCGA)
Westmoreland County PCH Administrator's Association
(names attached)

The reason for the following recommendations are:

- No providers, residents or inspectors were involved in the actual writing of the regulations
- To preserve existing homes because the cost to implement the requirements in 2600 would effectively put 40% of homes out of business and displace nearly 22,000 residents without funding the mandates.
- Disappointment with the Chapter (CH.) 2600 published regulations because very few suggestions were incorporated
- No notification to personal care homes when they were published
- PCHs are a social model of housing and services *not* a medical model of care
- No grandfathering of existing buildings was considered

1. We disapprove of the proposed CH. 2600 regulations as is, and propose to enhance the current regulations, CH.2620, in the following areas:

These suggestions to CH. 2620 are intended to safeguard and promote the health, safety, well-being, rights, choices and dignity of each PCH resident.

- We support enhanced administrator training – 60 hours classroom, 80-hour on-the-job training for new administrators. We further support competency based testing for administrators.
- We support staff training combined with supervised in-house training
- We are committed to the development of an optional state-approved medication training program that can be offered in-house, that would certify unlicensed personnel to administer medications. If this takes legislative action, we are committed to leading this effort. This course should be offered at cost.
- We support the DPW's decision to implement the current enforcement fines and penalties and we ask for the adoption of the Advisory Committee's (need to find date) 2002 recommendations for enhanced enforcement.
- With respect to fire safety, we would recommend that the home have the option of using simulated drills as approved by a fire safety expert or actual drills to a point of safety rather

than the excessive requirements in CH. 2600 (e.g., 2.5 min evacuations to outside areas which could potentially put residents' health and safety at risk).

- The direct care staff are those staff who directly assist residents with personal care services and tasks of daily living as defined in CH. 2620.
2. We support the hiring of a sufficient complement of inspectors to enforce the CH. 2620 regulations as they were intended.
 3. The Department of Public Welfare must increase the State Supplement to SSI residents in PCHs to a total benefit of at least \$60 per day in addition to their personal needs allowance. Government mandates cannot be implemented until this is accomplished.

Contingency Plans

Plan B: Delay finalizing the proposed regulations Ch.2600 until such time as these and other points of differences may be fairly and sufficiently addressed by the Department.

Plan C: Complete line by line editing by providers and residents of Chapter 2600.

2600 Regulation Meeting

	Name	Organization / PCH
1	Margaret Cramer	Vicki Angela @ St. Anne Home
2	Wanda Haller	Shepherdstown Pa 15481 West Co PCH Admin Ass.
3	Laura Jordan	The Heritage @ Sigmars Lakeland Manor State
4	Evelyn Buscher	Chellin Manor Fla
5	Cherney Shelly Smith (SEB, C.G.A.) SEB, C.G.A. Pres	The Birch Street Republic Phila Pa.
6	Judy Bayne	Cedarwood / N.A.P.C.H.A.A.
7	John Toth	Windsor Dale of Prongt Lake Home / PCH Admin Ass.
8	Wood Harvey	Windsor Place / N.A.P.C.H.A.A.
9	Rita Clark	Country Manor Living
10	Vivian Allred	The Pastoor
11	Cath Shaker	Shaffer's Countryside Assisted Living
12	Thelma H. Guffey	Countryside Meadows / C.A.M.
13	Harvey Everett	C.A.M.
14	Sherry Andrus	Buxton Home Westmoreland County PCH Admin Ass. Soc.
15	Pat Dink	Country Meadows / C.A.M.
16	Mary Jo Wright	Stone Brook
17	Elgin Fanchelle	Carmello's House - W.C.P.H.A.A.
18	Sharon Agreman	REVISED RESIDENTIAL CARE - W.C.P.H.A.A.
19	Carol Dink	Denville P.C.H.
20	WALT YOUNG	St. Clair Home P.C. Prongt Lake
21	MARK SEYER	Sundland Retirement Homes Inc.

2600 Regulation Meeting

22	Patricia A. McNamee	PA HealthCare Association / CALM
23	Margo Glenach	Easy Living Estates
24	Christine Alexander	PANIPA
25	JUAN Lopez [Signature]	EASY LIVING MANAGEMENT CORP.
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One Windsor Way
Pittsburgh, Pa. 15237
412-364-6411 Fax: 412-318-2077
mharvey@napchaa.org

October 13, 2002

Teleta Nevius, Director
Office of Licensing and Regulatory Management
Department of Public Welfare
Room 316 Health & Welfare Building
P.O. Box 2675
Harrisburg, Pa. 17120

Dear Teleta Nevius,

The Northern Area Personal Care Home Administrators Association would like to deal with the **COSTS** to implement and maintain the Proposed 2600 Personal Care Home Regulations. All across Pennsylvania we have asked PROVIDERS to put a cost to these proposed regulations. Although we may differ on some of the projections, I must say that I am proud of the PROVIDERS because they completed costs projections. They put their best effort forward.

The PROVIDERS did the work that the Department of Public Welfare and the Office of Regulatory Management decided not to do. As a businessman, in all honesty I was shocked by Secretary Houstoun's comment in her cover memo that "there will be no cost to the general public as a result of this proposed rulemaking". Yes, if that means no tax increase necessary to implement these 2600 regulations then she is correct. The general public of residents and families that NAPCHAA has met with across Western Pennsylvania would like to point out to the Secretary that their cost will be great due to the fact that the vast majority are on **private pay**. Every mandate that is excessive and overdone carries a great cost to the **private pay resident**. Furthermore, the cost to the **private pay resident** will even be greater since the **SSI Supplement Residents will have no increase to cover these cost!** The SSI supplement residents account for 24% of the total current population in Personal Care Homes.

NAPCHAA had requested a copy of the Regulatory Analysis Form from the Department of Public Welfare in writing, via the phone and via the fax machine. We never received it. It took a call to Senator Allen Kukovich whom provided the Form within a few hours. Our shock was even greater when we reviewed #17 which states: The total cost to each licensed personal care home related to the sections listed below is estimated to be \$680.00 This cost is associated with the requirement that PCH's have printed policy and procedures manuals (\$14), obtain 18 additional Continuing Education Credits per year (\$266), refund the residents personal needs allowance when discharged (\$300) and obtain a yearly furnace inspection (\$100).

As a regulator, we realize that you do not need to look through the eyes of the PROVIDER. We would not ask you to do that. More importantly, we would ask you to look through the eyes of the resident. We realize that DPW has public funding in every other adult living residence. As a regulator you may mandate till the cows come home because you must back it up with funding. They can be excessive, overdone and complex because you back it up with funding.

What is the fundamental difference this time ? NAPCHAA agrees with you to upgrade standards in many areas. NAPCHAA agrees that the Health, Safety and Welfare of the resident is the top priority. What NAPCHAA does not agree with are standards that are higher than a Nursing Home or a Hospital. Nursing Homes and Hospitals deal with a much more frail resident, many more chronic illnesses and require many departments to deal with these conditions. Nursing Homes and Hospitals also receive a lot of **Medicare and Medicaid money!** **PUBLIC FUNDING.** Public funding that a Personal Care Home will not receive but have higher standards? How does this make sense. How does this make business sense. Did you forget that our residents are **PRIVATE PAY**. Did you really ever cost out that higher standard. How dare you

treat the elderly and special populations we serve that way. How dare you treat private businesses this way. These are facts that cannot be ignored and must be addressed. Regulator or not, Secretary or not, you both had responsibilities that you did not complete.

The Pennsylvania Personal Care Home Advisory Board has requested officially that you complete a new Regulatory Analysis Form. The vote was unanimous. NAPCHAA in making this case to you, and also making the case to the Governor, Independent Regulatory Review Commission, Senate Public Health and Welfare Committee, House Health and Human Services Committee and 70 Legislators from Western Pennsylvania.

Please find attached cost comparisons completed by PROVIDERS from across Pennsylvania. Both are based on 30 residents and are not that far apart. Let's compare a few areas:

2600.26 Resident Home Contract	4,334.11	4,400.00
2600.53 Staff Titles and Qualifications for Administrators	10,000.00	12,500.00
2600.54 Staff Titles and Qualifications for direct care staff	45,000.00	49,920.00
2600.58 Staff training and orientation	65,154.00	76,680.00
2600.59 Staff Training Plan	1,722.60	1,632.00
2600.60 Individual Staff training Plan	4,056.60	4,464.00
2600.201 Safe Management Techniques	46,332.00	52,176.00
2600.226 Development of support plan	10,692.00	9,000.00
2600.181 Licensed personnel to administer medications	218544.48	210,240.00
	405,835.79	421,012.00
Divide by 30 residents	13,527.86	14,033.73
Divide by 12 Months – increase in addition to what resident is currently paying from PRIVATE PAY.	+1,127.32 Month Increase	+1,169.48

NAPCHAA is projecting an average increase from \$666.00 a month to \$900.00 a month in increases to meet the cost of the regulations. Why such a range? Rural Pennsylvania vs Pittsburgh or Philadelphia. Wages and the impact are much higher in urban areas.

	<u>666.00 Per month</u>	<u>900.00 per month</u>
<u>By day</u>	<u>22.20per day</u>	<u>30.00 per day</u>
<u>By year</u>	<u>7,992.00 per year</u>	<u>10,800.00 per year</u>

We are still collecting data from across Pennsylvania. So, let NAPCHAA share what we project as the impact of these increases. We are projecting that **40% of all Personal Care Homes in Pennsylvania WILL CLOSE IMMEDIATELY. That equals 22,000 residents out of a HOME.**

Every Personal Care Home no matter of size is projecting a major impact. This will effect the entire Profession. Why ? **Because the vast majority of residents will not be able to afford this increase.** Therefore, they will be forced to go underground to homes not licensed (housing not care), families who could not provide for their loved one before-will be forced to take their loved one home(increase in abuse reporting), some will be declared nursing home eligible(higher cost to Commonwealth) and will end up in nursing homes and many will become homeless(hard to predict).

Rural Personal Care Homes will be gone. All homes under 50 residents will be gone. And many above 51 residents will not make it. How will the Commonwealth handle 22,000 residents to place? What will the financial impact to the Commonwealth be? How about lost wages and unemployment compensation costs.

More importantly, what happens to the feel of community that residents have. Currently they may reside in their community. Around family, friends, faith and comfort. How far will many have to travel outside of their community. Due to distance how many less times will they see family and friends. What a shame, to treat residents in such a manner.

Is the aim of the Department of Public Welfare to have less Personal Care Homes to inspect ? Eliminate 750 homes immediately ? **Eliminate poor performers through higher cost, instead of through enforcement ?** NAPCHAA does not understand the Departments thinking or reasoning.

Lastly, NAPCHAA has committed to the Office of Licensing and Regulatory Management that we understand that all parties involved must negotiate to come to common ground. Consumers, consumer advocates, families, providers and state agencies. The excessive regulations, overdone regulations, with standards higher than nursing homes and hospitals will penalize the residents we serve. By pushing your agenda so far, we will put the very people we serve out of their homes.

Let COMMON SENSE prevail. This is the most vital issue we will discuss. Please do not ignore this. Please consider our input. Please do not close homes needlessly and force residents to move unnecessarily. I look forward to you written reponse. I'll see you in Harrisburg soon. Thank you for your time.

Sincerely yours,

Matthew C. Harvey
President
Northern Area Personal Care Home Administrators Association
df

This study represents the cost as a consequence of regulation 2600.

The cost to the each resident would be \$107,048.00 per year

The cost to the state would be \$4.4 billion

This cost study was prepared using the following assumptions:

- 1 All cost was based on Easy Living Estates of Somerset.
A small rural town facility with about 30 residents
- 2 Salary and overhead
Administrator \$45,000 + 32% for taxes, Workman's Comp., Unemployment, Etc. = \$59,400.00 or \$29.70 per hour
Average Labor \$6.00 per hour + 32% = \$7.92 per hour
- 3 Total staff 15 employees plus extra

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.20 (b) (7)	To take resident to the bank once a month Mileage 15 miles x .30 = \$4.50 Administrator Labor 1 Hour \$29.70 \$29.70 x 10 residents x 12 months		\$3,654.00		
2600.20 (b) (10)	To write and obtain signature at death Administrator Labor 2 hours x \$29.70	\$59.40			
2600.23 (2)	At hire and weekly 15 positions Administrator Labor 1 hour \$29.70 15 x 29.70 x 52		\$23,166.00		
2600.24 (1)	Securing Transportation Administrator Labor 15 minutes	\$7.42			
2600.24 (2)	Shopping Administrator Labor 1 hour \$29.70 Mileage 15 miles x .30 = \$4.50	\$34.20			
2600.24 (3)	Making Appointment Administrator Labor 15 minutes	\$7.42			
2600.24 (6)	Keeping appointment Administrator Labor 1 hour \$29.70 Mileage 15 miles x .30 = \$4.50	\$34.20			
2600.24 (6)	Correspondence Administrator Labor 20 minutes	\$9.90			

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.25	Personal Hygiene Time needed to document Direct Care Staff 15 min/day/resident Staff wage \$7.92 \$1.98 x 365 x 30 residents		\$21,681.00		
2600.26	Resident Contract to Explain Admission Director Labor 30 Minutes Witness Administrator 30 minutes	\$29.70 once per contract			
2600.26 (a)	If the resident agrees Admission Director Labor 30 minutes	\$14.85 once per contract			
2600.26 (a) (3 & 4)	Itemize Charges Admission Director Labor 2 hours	\$59.40 once per contract each occurrence			
2600.26 (a) (6)	Detailed Refund Policy Admission Director Labor 15 minutes	\$7.42 once per contract			
2600.26(a) (10)	30 day advance letter Administrator labor 1 hour \$29.70 This can change daily \$29.70 x 365 x 30 residents		\$325,215.00		
2600.26 (a) (11)	List of Services Admission Director Labor 30 minutes This can change daily \$14.85 x 365 x 30 residents		\$162,607.50		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.26 (a) (12)	Any Additional Services This is to detailed "any" Manager 30 minutes Admission Director 30 minutes \$29.70 x 365 x 30		\$325,215.00		
2600.26 (d)	Extra person for Saturday, Sunday, Holiday Sat & Sun 104 days x 8 hours = 832 hours Holiday 6 days x 8 hours = 48 hours 880 hours x \$7.92 = \$6969.60 yearly		\$6,969.60		
2600.27 (a)	Quality Assessment & Management plan Manager Labor 30 minutes Administrator Labor 1 hour Manager x employees x months \$14.85 x 15 x 12 = \$2673.00 Administrator x months \$29.70 x 12 = \$356.40		\$3,029.40		
2600.27 (b) 5	Family council Manager 1 hour per month \$29.70 x 12 Administrator 1 hour per month \$29.70 x 12		\$712.80		
	Resident council Manager 1 hour per month \$29.70 x 12 Administrator 1 hour per month \$29.70 x 12		\$712.80		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.31 (a)	Family, advocate Notice Admission Director 3 hours	\$89.10 once per resident			
2600.31 (b)	"in a language" Interpreter 1 hour \$29.70 Admission Director 1 hour \$29.70 Manager 1 Hour \$29.70	\$89.10 once per resident			
2600.31 (d)	Signed Statement of rights Manager or Admission director 1 hour	\$29.70 once per resident			
2600.31 (g)	Complaint decision Administrator and Manager 1 hour per resident per week \$59.40 x 30 x 52		\$92,664.00		
2600.32 (v)	Resident Right Contracted services Administrator 8 hours per week \$29.70 x 8 x 52 = \$12355.20 Lawyer 8 hours per week \$60.00 x 8 x 52 = \$24960.00		\$37,315.20		
2600.32 (w)	Resident right to appeal Administrator 1 hour per week \$29.70 x 52		\$1,544.40		
2600.31 (x)	Bonding each employee 15 employees		\$3,750.00		
2600.53 (a) (2)	Associate Degree Additional Salary		\$3,000.00		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.53 (d)	Administrator's responsibility Liability Insurance premium		\$7,000.00		\$7,000.00
2600.54 (2)	Have a high school diploma or GED .50 per hour per employee per year .50 x 2000 hours in a year x 15 employees		\$15,000.00		
2600.56 (a)	"each" mobile resident half needs less than 1 hour half needs more than 1 hour \$80,886.78 (yearly wage cost) x 32% (cost of taxes, Unemployment, etc) / 50%		\$53,385.27		
2600.56 (a)	immobile "special needs" 50% cost of wages		\$53,385.27		
2600.56 (c)	Administrator designee 7 days x 24 hour at \$40,000/year 4.2 designee at \$25,000/year overhead 32% = \$33,600.00		\$138,600.00		
2600.57 (b)	Administrator Training additional salary for administrator additional salary for 4.2 designee		\$26,000.00		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.57 (e)	Administrator 24 hours annual training 18 hours additional 9-2 hour classes (including travel) = 36 hours total 54 hours x \$29.70 = \$1603.80 Replacement administrator 32 hours x \$29.70 = \$950.40 Administrator designee same training as administrator 4.2 x \$2554.20 Cost of Class Administrator 18 hours x \$25.00 = \$450.00 Designees 4.2 x 24 hours x \$25.00 = \$2520.00		\$16,251.84		
2600.57 (e) (1)	CPR & First Aid 3 hour class + 2 hours travel = 5 hours 5 hours x \$29.70 = \$148.50 Cost of Class = \$35.00		\$183.50		
2600.58 (a)	Prior to working with residents 1 30 minutes (i) 30 minutes (ii) 15 minutes (iii) 10 minutes (iv) 10 minutes (v) 30 minutes (vi) 45 minutes (vii) 5 minutes 2 15 minutes 3 10 minutes 4 15 minutes 5 30 minutes total 21 hours		\$9,937.62		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.58 (c)	<p>21 hours x 56 employee = 1176 hours 1176 hours x \$7.92 = \$9313.92 Administrator 21 hours x \$29.70 = \$623.70</p>		\$10,644.48		
2600.58 (e)	<p>24 hours annual training 24 hours x 30 employees x 720 hours Wages \$7.92 + overtime \$3.96 = \$11.88 \$11.88 x 720 = \$8553.60</p>		\$8,553.60		
2600.59	<p>Staff Training Plan 1 3 hours 2 5 hours 3 2 hours 4 8 hours 58 hours total by administrator 58 hours \$29.70 = \$1722.60</p>		\$1,722.60		
2600.60	<p>Individual staff training plan 4 hours 1 2 hours 2 16 hours 3 2 hours 24 hours by administrator 24 x \$29.70 = \$712.80</p>		\$712.80		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.85 (d)	Trash - covered 1 hour per room per day = 30 hours labor \$7.92 per hour = \$237.60 \$237.60 x 365 days = \$86,724.00		\$86,724.00		
2600.89	Water \$150 each 3 months + labor Test and Delivery = 4 hours each time \$150.00 x 4 = \$600.00 per year 16 hours x \$29.70 = \$475.20		\$475.20		
2600.90	Communication System \$100.00 month x 12 months		\$1,200.00		
2600.98 (c)	Indoor Activity space 24 hours per week 24 x \$7.92 employee = \$190.08 12 x \$29.70 administrator = \$356.40 \$546.48 x 52 weeks = \$28,416.96		\$28,416.96		
2600.101 (l)	Resident's Privacy - curtains around beds \$500.00 per room x 30	\$15,000.00			
2600.101 (k) (1)	Bed description \$200.00 per bed x 30	\$6,000.00			
2600.101 (r)	Lift chair as a comfortable chair \$2500.00 x 30	\$75,500.00			
2600.102 (g)	Bathrooms - toiletry items for everyone \$100.00 x 30 residents	\$3,000.00			

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.102 (j)	Toiletry and linens \$15.00 x 30 residents	\$450.00			
2600.103 (b)	Sanitized after each meal 3 hours per meal = 9 hours per day 9 \$ \$7.92 = \$71.28 per day \$71.28 x 365 days = \$26,017.20		\$26,017.20		
2600.103 (e)	Food labeled and rotated 2 hours per week 2 x \$7.92 x 52 weeks = \$823.68		\$823.68		
2600.105 (g)	Laundry - lint removal 15 minutes x 24 hours x 365 days = 2190 hours 2190 hours x \$7.92 = \$17344.80		\$17,344.80		
2600.107 (b)	Written emergency procedures - annually 8 hours x \$29.70 administrator = \$237.60 Safety inspector \$200.00 per year		\$437.60		
2600.126	Furnace inspection		\$200.00		
2600.130 (f)	Written record smoke detectors / alarms \$450.00 per month		\$5,400.00		
2600.130 (i)	Fire alarm system for 5 immobile new panel cost	\$6,000.00			
2600.142 (a)	resident support plan 1 hour x 30 residents x \$29.70 administrator		\$10,692.00		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.142 (b)	Train resident about needs 1 hour x 30 residents x \$29.70 administrator	\$891.00			
2600.161 (f)	Therapeutic diets This will double cost of kitchen 12 hours per day x \$7.92 x 365 days		\$34,689.60		
2600.161 (g)	Drink every 2 hours Cost of beverage .35 x every 2 hours x 30 residents x 365 days		\$45,990.00		
2600.163 (d)	Staff with infected wound, etc. Will raise kitchen cost 10% 12 hours x \$7.92 x 365 days / 10%		\$2,468.96		
2600.181 (e)	Resident must know medication 4.2 RN's x 24 hours a day x \$23.76 X 365		\$874,177.92		
2600.181 (e)	53,926 x \$227 per day x 365 days Cost to state if all PCH homes close See comment at the end.			\$4,468,038,730.00	
2600.182 (a)	Medication Storage - original container 1 hour x 3 times a day x 365 days \$7.92 x 3 x 365 = \$8672.40		\$8,672.40		
2600.184 (b) 1	Documentation 1.5 hours x 3 times a day x 365 days \$76.92 x 1.5 x 3 x 365 = \$13,008.60		\$13,008.60		
2600.201 (b)	Quality improvement program Administrator 1 hour x \$29.70 x 30 residents x 52 weeks		\$46,332.00		

Regulation	Calculation	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
2600.223	Description of services Administrator 2 hours per resident per day 2 x \$29.70 x 30 x 365		\$650,430.00		
2600.225 (d) (3&4)	Assessment - Hospital Discharge / Agency Administrator 1 hour x 6 times per year \$29.70 x 6 x 30 residents		\$5,346.00		
2600.226	Development of support plan Cost was addressed in 2600.223				

Total Cost	Each Time Cost	Yearly Cost	Cost to State	Additional Insurance
	\$107,312.81 varies	\$3,211,460.60	\$4,468,038,730.00	\$7,000.00

At an average facility, the present private pay is \$55.28 per day or \$20,177.00 per year.
 This new regulation as proposed will cost \$107,048.00 per year per resident or \$293.28 per day.
 Plus the items listed as "each time"
 Currently Personal Care Homes, cost to the public is 1/2 the amount of Nursing Homes.
 With this new regulation 2600, Personal Care Homes will cost twice as much.

"NO COST TO THE PUBLIC"

This was the statement made by Feather Houstoun, Secretary of Public Welfare, on page 12 of her letter.

There are 18 policy and procedure manuals and 59 separate documentations that are being required. Along with the additional calculations that will be needed from the support plan for staffing requirements, the DPW will have to double the inspectors for Personal Care Homes.

With approximately 64 inspectors statewide at an annual salary of \$35,000.00 + 32% = \$46,200.00
This would cost the State, per year \$2,956,800.00

If the 2600 regulations are implemented, PCH homes will close.

This will force the state to transfer the residents to skilled nursing facilities.

May 2002 census of PCH Residents 53,926
53,926 x \$227 per day x 365 days

This would cost the State, per year \$4,468,038,730.00

The cost to implement 2600.181 (e), alone, will cause PCH homes to close.

This is a stupid and malicious as a regulation can get.

The intent of just this one regulation is to close the door on Personal Care Homes.

I am an administrator but I can't recall all what is required to meet the requirements for self-administration of medicine. Therefore, most likely no PCH/AL resident can, that is why they consented to be a resident in the first place. They will not qualify for residency, therefore they will need to be transferred to a skilled nursing facility at a cost to the state, because Personal Care Homes will be out of business.

As a consequence of the new regulation, no SSI resident will be accepted at PCH/AL facilities.

The state pays \$29.00 per day, the fair SSI rate should be \$51.98.

Current SSI Population in State 10,529.00
Nursing home Daily rate \$227.00

10529.00 x \$227.00 x 365 days

This would cost the State, per year \$872,380,295.00

*Comments & Ref. to Abysmal
610-700-1970*

MAGNITUDE 2600 COST IMPACT PROJECTIONS

1st Draft

To make a magnitude cost projection, in this situation, is fraught with danger. Information necessary to make a valid analysis, like a final regulation, size of the home, quality of the people involved, existing policies and procedures, et. al., is lacking. It would take a three week assessment to develop a reasonably accurate estimate and project outline/plan of action on a project of this size. Having fair knowledge of the range and scope of work involved, and projecting the average home at 30 residents (the total residents in PAC divided by the number of PCHs), I will plunge boldly where the department feared to go.

2600.26. Resident-home contract: information on resident rights. The projected cost to rewrite our contract to incorporate all the new provisions of 2600 is \$ 400.00 management development time, \$ 2,500.00 for legal review. and 2 hours of management time , \$ 50.00 per resident & family to review and activate the new contract x 30 residents for the hypothetical average PCH or \$ 1500.00.

2600.27. Quality management and 2600.264. Policies, plans and procedures of the personal care home. I will venture a rough estimate is 6 months of management, administrator, or independent small consultant time to accomplish the documented procedures for quality management as specified in this proposed rulemaking. At a conservative estimate of \$ 2,000.00 per week cost for this project development, that is \$52,000.00 up front cost. Additionally there would be staff training time, estimated two weeks per staff (estimate 12 total staff for a 30 resident PCH X an estimated average of \$400.00 per week cost to the PCH) of \$ 9,600.00, required and oversight and supervision of the implementation and learning process. Without the analysis I unable to give a reasonably accurate estimate of staff time for data entry and management time for data review on a weekly basis, as a rough guess, lets use 5 minutes per resident per day, or 2.5 hours total data entry, and 30 minutes a day management review for compliance. That equates to \$ 25.00 data entry costs per day expense to the PCH and \$ 17.50 management costs per day, total of \$ 42.50 per day or \$ 15,500.00 per year. First year cost of the quality management program is:

• Procedure Development	\$ 52,000.00
• Training and Installation	9,600.00
• One Half Year Operating Costs	<u>7,750.00</u>
• First Year Costs	\$ 69,350.00

Then there would need to be an annual maintenance and update process estimated at 2 to 3 weeks, for an annual ongoing cost of \$5,000.00.

• Annual Update & Maintenance	\$ 5,000.00
• Annual Operating Expense	<u>15,500.00</u>
• Total Annual On Going Costs	\$ 20,500.00

I have trouble finding any cost savings or tangible benefits to offset these procedure documentation and records keeping costs. Please help me out here so I can do a better

cost/benefit analysis.

2600.53. Staff titles and qualifications for administrators, The impact of this change in background and qualifications will reduce the number of people who can qualify as Personal Care Home Administrators. The simple law of Supply and Demand shows that with fewer people in the pool that can become an Administrator, the higher wages they can demand and receive. The approximate salary for an Administrator now is \$ 25,000.00-35,000.00 per year, with limited perks, an expense of about \$ 40,000.00-50,000.00 to the home. It is reasonable to project an ongoing \$ 10,000.00-15,000.00 per year increase in home expenses to hire an administrator. I will use a figure of \$ 12,500.00 for my cost/benefit projections.

2600.54. Staff titles and qualifications for direct care staff. You are requiring they receive training and be qualified in more areas than the typical CAN job description requires. The simple law of Supply and Demand shows that with fewer people in the pool that can become a personal home care giver, and have more training and higher skill levels, the higher wages they can demand and receive. The approximate salary for a care giver now is \$ 7.75 per hour, even with only mandated contributions, they represent an expense of about \$ 9.00 per hour to the home. It is reasonable to project an ongoing increase of \$ 2.00 per hour expenses to the home to hire and retain a care giver. This equates to an increase of payroll costs of \$ 4,160.00 , per care giver per year. With the theoretical home of 30 residents and 12 care givers used in the magnitude cost benefit analysis, this added payroll cost represents an added cost to the home of \$ 49,920.00 per year.

2600.57. Administrator training and orientation. This requirement for 24 hours of annual training for the administrator is a 4 fold increase over current requirements. This equates to roughly 4 days of administrator's time per year. Estimating administrator's daily payroll costs to the business are about \$230.00. Travel and meals for time getting to and from the training location, estimate an average of \$ 50.00. Estimated average cost of a day's training program, \$ 100.00. That equates to a daily cost of \$ 380.00., current administrator training costs. As in the proposed rulemaking, the cost for 4 says will be \$ 1,540.00, a net increased cost of \$ 1,140.00 annually.

2600.58. Staff training and orientation.

The time required for a trainer and new hire to complete all the topics listed in (a) and (c) is estimated to take four weeks. With the hypothetical home of 30 residents and 12 universal care giver staff used for other projections, you would have to have a trainer full time, doing nothing but training, testing and certifying of new hires. While the administrator theoretically can do this, that is not a practical alternative as the administrator has other duties to perform, like running the business. The trainer will have to be experienced and highly qualified, perhaps a nurse will be required for this position. The 12 universal care staff have a turnover rate of around 80% per year, approximately 8 fully qualified employees must be replaced each year. To get a fully qualified new hire, you have to put 3 in training, that is about 24 per year. Projecting a training class starting each month, and a small and medium size home can not wait an average of 6 weeks to replace a care giver that leaves, nor can you afford to hire extra people to cover such losses.

Doing a rough magnitude cost/benefit analysis to satisfy these training requirements before the new hire actually gets to meet the residents:

Cost of the Trainer \$ 45,000.00 per year, on going.

Cost of trainees (\$ 11.00 per hour, average 3 weeks per trainee, estimated 24 people entering training per year) equals \$ 31,680.00, on going.

This is an annual investment (cost) of \$ 76,680.00 to the home before new hires can provide unsupervised direct resident care in any particular area.

(e) The annual number of non OJT mandated training hours for Personal Care Givers is 12. . This equates to roughly 2 days of administrator's time per year. Estimating a care givers daily payroll costs to the business are about \$72.00. Travel and meals for time getting to and from the training location, estimate an average of \$ 50.00. Estimated average cost of a day's training program, \$ 100.00. That equates to a daily cost of \$ 222.00. The cost for 2 days for 8 staff, or 16 staff training days will be \$ 3,552.00. The benefit of these mandated training hours is directly dependent on the content of the training program. I have been to some where they should have paid me to attend.

2600.59. Staff Training Plan. For a staff training plan to be of any value, it would have to be updated at least quarterly, an undue cost and time burden on small and medium size personal care homes, and removing hours of care from the residents. A order of magnitude cost calculation, per planning cycle, for the hypothetical average PCH home of 30 residents and 12 FT universal care giver staff projects 4.0 management hours per staff for diagnostic tool design; data collection, interviews, analysis and plan preparation, and 2.5 hours per universal care giver to complete the diagnostic, information and feedback interviews, and input into the plan preparation to develop and maintain this plan annually.

• 48 management hours at \$ 25.00 per hour:	\$ 1,200.00
• 48 universal care giver hours at \$ 9.00 per hour:	432.00
Total costs to develop the staff training plan per cycle:	\$ 1,632.00

If updated quarterly, the annualized cost would be: **\$ 6,528.00**

2600.60. Individual Staff Training Plan. With ongoing resident population mix changes and staff turnover, individual staff training plans would have updated at least quarterly, an undue cost and time burden on small and medium size personal care homes, and removing hours of care from the residents. A order of magnitude cost calculation, per planning cycle, for the hypothetical average PCH home of 30 residents and 12 FT universal care giver staff projects 3.0 management hours per staff for diagnostic tool design, data collection, interviews, analysis and plan preparation, and 2 hours per universal care giver to complete the diagnostic, information and feedback interviews, and input into the plan preparation to develop and maintain this plan annually.

• 36 management hours at \$ 25.00 per hour:	\$ 900.00
• 24 universal care giver hours at \$ 9.00 per hour:	216.00
Total costs to develop the staff training plan per cycle:	\$ 1,116.00

If updated quarterly, the annualized cost would be: **\$ 4,464.00**

2600.181. (e) Self Administration. is unreasonable and would exclude most PCH residents, if fact independent living residents, from self administration of their medications if they have mild dementia, poor eye sight, arthritis, or many other common ailments of the elderly. This restriction will force each PCH to hire three full time medications staff that do infact comply with the provisions of 2600.181(b). These persons do not usually participate in the other tasks required in giving ADL assistance. This is a potential significant cost increase, estimated at (\$12.00 per hour x 120 hours/week x 52 weeks per year) **\$ 75,000.00 per year** to the small and medium sized PCH.

2600.201. Safe management techniques. To properly train anyone in these coping strategies requires a basic alteration in the individual's mind set. Under optimum conditions, that is a total controlled environment, it takes 3 weeks to begin to achieve a functional change in an individual's mind set.

Projecting a magnitude cost for the training and follow-up:

Initial training:

- (15 days per staff X \$ 9.00 per hour X 8 hours a day) \$ 1,080.00
- (1/2 half trainer, same time @ \$25.00 per hour) 1,500.00
- Total initial costs per staff: **\$ 2,580.00**

Maintenance training:

- staff: 52 hours per year X \$ 9.00 per hour: \$ 468.00
- trainer 52 hours per year X \$25.00 per hour: 1,300.00
- Annual maintenance costs per staff: **\$ 1,768.00**

Total projected annual cost: ((2580.00 +01768) X 12 staff) **\$ 52,176.00**

2600.226. Development of the support plan. The support plan, as described, requires much management involvement, coordination and commensurate costs.

Cost projections:

- Management time per support plan (8 hours @ \$ 25.00): \$ 200.00
- Average 1.5 Support Plans required per resident per year based on 30 residents inn the hypothetical average home (45) gives a projected annualized cost of: **\$ 9,000.00**

PROPOSED RULEMAKING
MAGNITUDE COST PROJECTIONS
FINANCIAL IMPACT SUMMARY
HYPOTHETICAL AVERAGE PERSONAL CARE HOME:

(30 RESIDENTS, 12 FT UNIVERSAL CARE GIVER STAFF)

ONE TIME DEVELOPMENT COSTS:	\$ 66,000.00
SURCHARGE PER RESIDENT	\$ 2,200.00
ON GOING ANNUAL COST INCREASES, LESS UNKNOWN INSURANCE INCREASES DUE REGULATION IMPACT ON RISK MANAGEMENT:	\$ 236,460.00
AVERAGE ANNUAL COST INCREASE PER RESIDENT	\$ 7,782.00
AVERAGE MONTHLY COST INCREASE PER RESIDENT	\$ 666.00

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October 15, 2002

Teleta Nevius, Director
Office of Licensing and Regulatory Management
Department of Public Welfare
Room 316 Health & Welfare Building
P.O. Box 2675
Harrisburg, Pa. 17120

Dear Teleta Nevius,

This is the second in a series of memos that you will be receiving from the Northern Area Personal Care Home Administrators Association. We will also be presenting a final form document from our Association by October 31, 2002. I would like to deal with just one issue today. It is an issue that you and I have had much discussion over. It is an issue that has received great debate over the last 18 months. And the debate has become more intense during the last year. It is a vital issue to residents and Personal Care Homes across Pennsylvania.

NAPCHAA would like to discuss **Penalties, Violations and Enforcement**. Although you may not see this as an issue for the Office of Licensing and Regulatory Management, the Northern Area Personal Care Home Administrators Association believes this must be discussed.

#1 On your visit to Western Pennsylvania, we talked about PROVIDERS policing their own Industry. You expressed your belief that we should "hold our own accountable". As I stated to you then, **NAPCHAA has turned down several homes from becoming members**. The homes have had consistent trouble in maintaining standards and did not have a good reputation in the communities they serve. At the same time, NAPCHAA offered help to those homes to give them help and direction to move into the correct direction. During 2002 eight Personal Care Homes have requested assistance from NAPCHAA. Over 17 active Administrators stepped into these homes and delivered the assistance they asked for. Several homes were on Provisional Licenses and moved back to a Full License during and after NAPCHAA's help. In Western Pennsylvania we have done our part and will continue to serve the best interest of the **residents first and the provider second**.

#2 We would be remiss if we did not mention our shock and outrage when Deputy Secretary of the Office of Social Programs William Gannon admitted that the Department of Public Welfare had not enforced their own 2620 Personal Care Home Regulations. Deputy Secretary Gannon made these comments at a Pennsylvania Personal Care Home Advisory Board meeting in public.

Enforcement example a) If someone runs a STOP sign and they are caught – they are issued a ticket to correct the behavior of the driver. If the driver continues this behavior and receives more tickets – they are assessed points and may have to retake the drivers education course or even lose their license depending on the severity of the moving violations for a period of time. **LAW IS ENFORCED.**

Enforcement example b) If someone is caught shop lifting in a grocery store – they are arrested and must appear before the local District Justice. The District Justice levies a fine, restitution and hours of community service. The person is caught shop lifting a second time at a later date – they are arrested and must appear before the District Justice a second time. The District Justice expresses his/her great concern that the individual is back for a second time. Levies a bigger fine, restitution and orders the individual into a treatment program that they must complete. If they do not complete it or appear before them again, they will hold them over for court where the penalties will be much greater if they do not change their behavior. Unfortunately, the individual is caught a third time. They are arrested and appear before the District Justice. He holds them over for court. As well, the individual did not finish their treatment program either.

The individual decides on no jury and pleads his case before the judge. The individual is ordered to serve jail time, pay restitution and pay court cost. **LAW ENFORCED.**

These examples do apply to Personal Care Homes. Why do they apply? Since DPW has not enforced their own regulations since 1991 homes have been permitted to continue the behavior because they have not been fined or cited. And in some cases homes have had more than four provisional licenses. Current 2620 Regulations call for a license to be revoked after the fourth provisional license. **NO LAW ENFORCEMENT**

The PROVIDERS do want regulations to be enforced. We also want the enforcement to be enhanced and strengthened. 3%-5% of homes that do put the Health, Welfare and Safety of residents at risk should not mandate pages and pages of needless regulation to punish the 95% of homes doing the job. How can you justify this. How can you justify this to the residents and families that Personal Care Homes provide service too? How can you justify the cost to these regulations when your own Department did not even enforce the regulations on the book?

Auditor General Robert Casey asked the same questions on enforcement in October 2001. And again, at his great disappointment that the enforcement piece had not been put into operation one year later in October 2002.

Now at this late date, Deputy Secretary William Gannon whom has held the position for 7 ½ years, has announced the the penalties and violations sections of current 2620 will be enforced. The Northern Area Personal Care Home Administrators Association applauds the decision. We salute the Deputy Secretary for his late but correct action.

#3 NAPCHAA does not believe that the proposed 2600 regulations go far enough in **Enforcement. 2600.261 Classification of violations, 2600.262 Penalties.** We would recommend the following:

Recommendations on Personnel Care Home Licensing and Enforcement Reform

By
Licensing and Legislative Subcommittee of the DPW PCH Advisory Committee

This report is attached and was approved on March 14, 2002 by the DPW Personal Care Home Advisory Committee. It was approved unanimously and sent to Secretary of the Department Of Public Welfare Secretary Feather Houston. As of the date, the Secretary has not responded to this report. A report drawn up by consumer advocates, DPW-Osp personnel, provider associations, LTC and State Ombudsman personnel. All facets of the Industry sat down, worked hard on this, presented it and passed unanimously.

Two key parts we would like to single out at this time to highlight how they would impact the Health, Safety and Welfare of the residents in Personal Care Homes.

#1 Bans on Admission

H. Ban on Admission Imposed and No Supersedes

Not only was the subcommittee concerned about the lengthy appeals process but it was concerned about the ability of a facility to admit new residents while an appeal of a licensure revocation is pending. This is especially disconcerting where the residents or the agency referring the resident had inadequate information about the licensure status. For this reason, the Subcommittee made the following recommendations:

1. In cases of PCHs for which DPW refuses to grant or reissue a license where emergency relocation has been ordered, DPW should
 - a. issue a nab on admissions and or appoint a master,
 - b. oppose any request for supersedeas, and
 - c. if necessary seek injunction against continued operation.
 - d. Temporarily suspend license as called for in statute.
2. Appeal of DPW action must not amount to continued operation on expired annual license.
3. DPW believes it cannot interfere with a providers admission or operations until the matter has gone to Commonwealth Court. Then DPW can oppose a supersedeas request. The subcommittee does not

interpret the law to mean this and questions the legal basis for this interpretation. To the contrary, the subcommittee believes that the Department must prevent new admissions, work to relocate and oppose the supersedeas from the moment it seeks to revoke a license and that in order to get a supersedeas, provider must show substantial likelihood of success on the merits.

#2 Disclosure of Information to the Public

J. Disclosure of Information to the Public

1. Recommend that the DPW web site be modified to add: (1) which facilities have secured unit waivers, (2) whether the reason for a provisional license is that the facility is new or that the license has been reduced from a full license, (3) number of provisional licenses that the facility has held, (4) types of violations, (5) opportunity for plans of correction to be posted, and (6) legal entity informed.
2. Any new changes to enforcement and licensing process must be relayed to providers and consumers in a timely fashion. Such changes should also be put into Operational guidelines manual, DPW bulletins, etc. for reference by the Department staff. These operating instructions should also be available to consumers and the public.
3. More public accountability-all inspection and redacted complaint reports must be made available as public records, especially monitoring records during cease and desist and other litigation.
4. When residents are relocated by DPW, they should never be placed in a facility with a provisional license.
5. Better steps should be taken to make sure all referral sources know the status of a provider's license. How to access current information on this must be clear.

In closing, if the Office of Licensing and Regulatory Management and the Department of Public Welfare are serious about enforcement, then strengthen them with this report. This is a vital and important issue. Please don't ignore this. Please consider our input.

I look forward to your written response. I'll see you in Harrisburg soon. Thank you for your time.

Sincerely yours,

Matthew C. Harvey
President
Northern Area Personal Care Home Administrators Association
df

11 page attachment

*3 page attachment – Recommendations on Personal Care Home Licensure and Enforcement Reform

*8 page attachment – Recommendations on Personal Care Home Licensing and Enforcement Reform by the Licensing and Legislative Subcommittee of the DPW Personal Care Home Advisory Committee

Recommendations on Personal Care Home Licensure and Enforcement Reform

DPW PCH Advisory Committee
Subcommittee on Licensing and
Legislation
January 10, 2002

Auditor General's Findings

- Conclusions #2: DPW licensed new homes without ensuring that staff were qualified.
- Discussion: Sent out memo on Administrator.
- Recommendation: All staff should meet qualifications before new licenses issued. See Section B.

Purpose/Assignment to SLL

To discuss/review the issues raised in the report of the Auditor General and concerns about the licensure and regulation of personal care homes. The Subcommittee was to focus on the adequacy of the current regulation and enforcement system and make recommendations on the regulatory or statutory changes that may be necessary to insure the health and safety of residents in PCHs.

Auditor General's Findings

1. Conclusion #3: DPW misused provisional licensure to identify conditions other than substantial compliance with standards
 - Discussion: DPW can't determine if in full compliance unless residents are there. Should be able to differentiate between "new" provisional and provisional due to violations.
- Recommendations: See Section B

Auditor General's Findings

- Conclusion #1: DPW renewed licenses without verifying that serious violations were corrected
 - Discussion: Inspection timing issues often left little time to correct before licenses expired. Also DPW felt plan of correction was sufficient.
- Recommendations: See sections A & B.

Auditor General's Findings

- Conclusions #4: DPW failed to classify violations as required.
- Discussion: DPW policy decision in '92 to not classify because each violation and each fine could be appealed.
- Recommendations: See Section E- Classify violations as required by law.

Auditor General's Findings

- Conclusions #5:
- DPW made announced regularly scheduled inspections once per licensing period as required.
- Recommendations:
 - We agree, but inspections should be unannounced and provide time before expiration of license to correct violations.
 - See Section D

Auditor General's Findings

3. Imposing Sanctions and Handling Appeals
 - Conclusion : DPW failed to assess penalties for serious uncorrected violations as required by law.
 - Discussion appeals take years and action by OSP is deemed a recommendation.
 - Recommendations: See Section I

Auditor General's Findings

- Conclusions #6: DPW conducted itself and viewed itself as licensing business rather than enforcing the laws that protect residents.
- Recommendations:
Not specifically addressed, but implementation of our recommendations would address any concerns.

Auditor General's Findings

3. Imposing Sanctions and Handling Appeals

DPW rarely revoked licenses.

Recommendations: Following law and these recommendations would lead to different result for those facilities not in compliance.

Auditor General's Findings

- n Responding to and Resolving Complaints about Personal Care Homes
 - DPW kept complaint records poorly
 - DPW waited too long to investigate serious complaints
 - DPW did not respond to complaints on weekends and evenings.
- Recommendations: See Section L

Auditor General's Findings

3. Imposing Sanctions and Handling Appeals

DPW did not make required monthly monitoring visits to monitor deficient PCHs that were appealing license revocations

Recommendations: Residents should be relocated and license temporarily suspended as required by law. See section H.

Auditor General's Findings

4. Committing Staff Resources to PCH Oversight

Conclusion: DPW is not adequately staffed to oversee personal care homes

Recommendations: See Section K

Thanks to the Department

The Subcommittee would like to thank Bill and Patsy for attending our subcommittee meetings, answering our questions, and responding to our ideas.

We hope that our subcommittee's work and the ultimate Advisory Committee's recommendations will be used by the Department to address the issues raised by the Auditor General.

Other Recommendations

- Bans on admission and no supercedeas. See Section .H
- Disclosure of Information to Public. See Section J.
- Waivers. See Section M.
- Immobile issue: See Section N.
- Support DPW legal actions as amicus.

Action for Advisory Committee

- Review recommendations.
- Get additional recommendations and changes to the Subcommittee this month.
- We will meet again and bring our final recommendations to the Committee in March.