

CHRIS ROSS, MEMBER

#2712

DISTRICT OFFICE MAILING ADDRESS:
P.O. BOX 835, UNIONVILLE, PA 19375
E-Mail Address: ross@pahousegop.com
Web Site Address: www.repross.com

DISTRICT OFFICE LOCATION
692 UNIONVILLE ROAD
WILLOWDALE TOWN CENTER
KENNETT SQUARE, PA 19348
PHONE: (610) 925-0555
FAX: (610) 925-5408

HARRISBURG OFFICE:
B-16 MAIN CAPITOL BUILDING
PO BOX 202158
HARRISBURG, PA 17120-2158
PHONE: (717) 783-1574
FAX: (717) 783-1589



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

October 6, 2008

COMMITTEES
COMMERCE
CHAIRMAN, SUBCOMMITTEE ON FINANCIAL SERVICES & BANKING
ENVIRONMENTAL RESOURCES & ENERGY
HEALTH & HUMAN SERVICES
LOCAL GOVERNMENT

CAUCUSES
AUTISM
ALTERNATIVE ENERGY
ALZHEIMER'S AWARENESS
LIFE SCIENCE
WOMEN'S HEALTH

MEMBER
ENERGY TASK FORCE
LOCAL GOVERNMENT COMMISSION
COUNCIL OF STATE GOVERNMENTS
NATIONAL EXECUTIVE COMMITTEE
CO-CHAIR, SSL COMMITTEE

RECEIVED
OCT - 7 PM 3:33
INDEPENDENT REGULATORY REVIEW COMMISSION

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, PA 17101

Dear Chairman Coccodrilli:

I am writing to comment on the proposed 2800 regulations in regard to personal care programs. Based on comments that I received from my constituents, I believe there are problems with the regulations as currently drafted. Listed below are some of my concerns:

- **Dual Licensure:** SB704 clearly states that dual licensure of personal care and assisted living is permissible. However, the 2800 regulations do not explain how dual licensure is to be pursued. I believe that consumers would be best served by a system which allows for flexibility by provider, and therefore recommend that the regulations allow providers to license their facilities by room or group of rooms.
- **Mandated Physical Facilities (2800.101(b)):** The proposed square footage requirements of 175 per living unit for existing facilities and 250 for newly constructed facilities are too high and would place Pennsylvania's minimum standard in the top 10% nationwide. We suggest minimums of 125 and 175 sq. ft. respectively. Likewise, the mandates on common spaces (2800.98) and kitchen capacity in new facilities (2800.101(d)) are counterproductive.
- **Administrator Requirements (2800.56):** The requirements seem unrealistic for an Administrator to be present at least 40 hours per week. This may not be possible because of mandated continuing education and other off-site obligations. Furthermore, the current drafting (paragraph b) requires that a person with full administrator qualifications substitute for the administrator when he/she is not present. This may not be possible unless the facility employs two full-time administrators.
- **Bundling of Core Services (2800.25(c)):** The language should make it clear that residences have the flexibility to either bundle or charge separately for services, as long as the pricing breakdown is clear to residents.
- **Informed Consent (2800.30(d)(1)):** Where residents have cognitive impairments, the language should be amended to allow a legal representative or health care decisionmaker appointed by the resident to speak on their behalf.
- **Safety Equipment (2800.96):** While requiring AEDs at assisted living residences is sensible, requiring all first aid kits in the facility and vehicles to have an AED may discourage providers from deciding to have additional first aid kits available. Also, the requirement of a fire extinguisher in every assisted living unit may tempt residents to operate a fire extinguisher, either intentionally or unintentionally, at great risk of harm (2800.131). Fire extinguishers should to be placed according to NFPA specifications and operated by trained staff and emergency response personnel.

Thank you for the opportunity to comment on the proposed regulations.

Sincerely yours,

Chris Ross
Representative Chris Ross
158th Legislative District

CR/dlm

cc: Philip G. Debaun
Richard D. Lysle