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HARRISBURG

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October 10, 2008

The Honorable Estelle B. Richman, Secretary  
Pennsylvania Department of Public Welfare  
333 Health & Welfare Building  
Post Office Box 2675  
Harrisburg, PA 17110-2675

The Honorable Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
Fourteenth Floor – Harristown 2  
333 Market Street  
Harrisburg, PA 17101

Dear Secretary Richman & Mr. Coccodrilli:

The intent of this letter is to submit additional comments on the proposed assisted living regulations (No. 14-514). I respectfully request that you take these concerns into consideration as you prepare the final-form regulations.

- Waivers – Section 2800.19  
The final-form regulations should state that the waiver must be initiated by the resident. In addition, there should be a period of rescision.
- Informed Consent Process – Section 2800.30  
As the proposed regulations currently are written, the informed consent process is not limited to a person who is competent. This process should be limited to competent individuals and include a period of rescision. In addition, the regulations should specifically outline the informed consent language and mandate the specific form, size, type, and content. Lastly, the burden of showing informed consent should be on the facility.
- Complaint Procedures – Section 2800.44  
Please consider including language stating that a filed complaint does not, in any way,

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affect a resident's right to file a suit or a claim for damages where appropriate.

Thank you for considering these recommendations as you craft the final-form regulations. I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink that reads "Phyllis Mundy". The signature is written in a cursive, flowing style.

Phyllis Mundy  
Chairman  
House Aging & Older Adult Services Committee

Cc: The Honorable Tim Hennessey, Minority Chairman, House Aging & Older Adult  
Services Committee