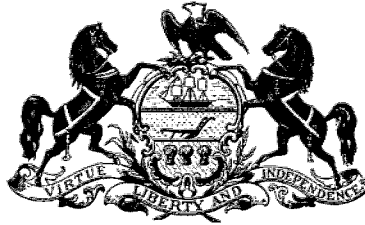


MICHELE BROOKS  
MEMBER  
17th LEGISLATIVE DISTRICT  
DISTRICT OFFICE:  
3 GREENVILLE PLAZA- WEST  
HADLEY ROAD  
GREENVILLE, PA 16125  
PHONE: (724) 588-8911

HARRISBURG OFFICE:  
PO BOX 202017  
HARRISBURG, PA 17120-2017  
PHONE: (717) 783-5008

WWW.REPMICHELEBROOKS.COM



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
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AGRICULTURE AND RURAL AFFAIRS  
AGING AND OLDER ADULT SERVICES

# 2712

October 16, 2008

*The Honorable Estelle B. Richman, Secretary  
Pennsylvania Department of Public Welfare  
333 Health and 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 and Chairman Coccodrilli:*

*I recently had the opportunity to meet with several licensed Personal Care Home providers in my district regarding the proposed assisted living licensure regulations (#14-514). As a result of that meeting, I am writing to express some of the key concerns regarding the following areas and would appreciate your consideration of these in the final-form proposal. I firmly believe that resident safety must be our priority, but while achieving that safety we must not jeopardize the availability of assisted living residence care to those individuals in need of such care.*


- 1) Administrator Staffing—Section 2800.56—The requirement that a designee be present at all times the named administrator is not present, and that the designee must also possess the qualifications of a fully credentialed administrator would impose a burden on providers. This requirement does not even exist for skilled nursing facilities in the Commonwealth. In addition, the minimum 40 hours per week of administrator on-site hours is not only burdensome doubling of the current 20 hour requirement, it also virtually ensures that an individual cannot serve as an administrator at both a Personal Care Home and an Assisted Living Residence. Given that dual licensure situations are permissible under the statute, it would seem that the same individual could serve as administrator for both, if necessary.*

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- 2) Licensure/Bed Fee Increases—Section 2800.11—I would like to piggyback on comments submitted by Chairman Tim Hennessey on October 9<sup>th</sup> which would reduce the per bed fee from \$105 to \$10/bed. Given the significant financial burden that even this reduction may create for providers, ie. a 50-bed facility would pay \$5,750 annually ( $\$105 \text{ bed fee} \times 50 = \$5,250 + \$500$ ), I propose that a \$1,500 cap be instituted so that no assisted living residence would pay in excess of \$1,500 total per year for their licensure fees. It is my belief that if the department's proposal becomes effective, the unintended result will be a direct pass through to the consumers. For instance, a residence in my legislative district would see their fees increase from \$80 to over \$13,000 under DPW's proposal.
- 3) Dual Licensure Authorization—Section 2800.11(e)—Again, I would like to reiterate comments provided in the October 9<sup>th</sup> letter from Republican Committee Chairman Hennessey regarding specific authorization and designation of dual licensure situations. Although Act 56 of 2007 clearly addresses this issue, it is essential that the regulations provide further reinforcement.
- 4) Long-Term Care Ombudsman Role—As a staunch advocate for area agencies on aging and the programs and services they provide, I have serious concerns with expanding the role of the ombudsmen beyond being resident-centered. Again, I strongly encourage consideration of the recommendation contained in Chairman Hennessey's October 9<sup>th</sup> letter regarding the potential conflict with Federal requirements and expanding ombudsmen responsibilities without increasing resources.
- 5) Waivers—Section 2800.19—The language in this section must be very clear to ensure that waivers that would have a direct impact on the health, safety and well-being of residents must be handled in a swift, concise manner. I strongly agree with my constituent providers that they know their residents better than any regulator and, as such, decisions on whether or not to include a microwave oven in a kitchenette should be handled differently than those directly impacting the health, safety and well-being of a resident.

Thank you, in advance, for your consideration of my thoughts and recommendations.

Sincerely,



Michele Brooks  
State Representative  
17<sup>th</sup> Legislative District