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INDEPENDENT REGULATORY
REVIEW COMMISSION

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August 25, 2008

Mr. Arthur Coccodrilli
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Coccodrilli:

Thank you for the opportunity to comment on the proposed assisted living regulations, Chapter 2800, published in the Pennsylvania Bulletin on August 9, 2008.

I am the Director at Beaver Meadows, a small, nonprofit organization that runs an 83-bed assisted living community located in Beaver County. We consider our community the premier community in Beaver County. This fact is affirmed to us year after year by our residents, families, and employees. This year, we were voted the best nursing home/personal care home by the readers of the Beaver County Times, our local newspaper.

With respect to the proposed regulations, I believe there are many that do a disservice to both the residents we serve and the caring individuals that own and operate the personal care homes throughout the state. In my opinion, these regulations, in their current state, should not be approved.

The following are my comments and concerns about the proposed regulations.

2800.11 Procedural requirements for licensure or approval of assisted living residences

For our 83 bed community, a license would cost \$9,215.00. For smaller provider, nonprofit organization, or stand-alone provider like we are, this is simply unaffordable.



This institution is an equal opportunity provider, and employer.

We have been marketing ourselves as “An Assisted Living/Personal Care Community” for six years. That is how our community is identified in Beaver County. In addition, we have significant dollars invested in signage and marketing materials. If we are unable to license our community under Chapter 2800, and in its current form we are not, two things will occur:

- Our perception with the Beaver County community will be damaged. Not being able to use the term “assisted living,” when, in essence, that is what we do and have always done, will cause damage to our reputation. Since the public’s perception is, and will be, that an assisted living facility is a step above a personal care home, it will appear that we’ve taken a step back in what we offer to the community. As a consequence, this will affect us financially. For a small, nonprofit organization such as ours, this could be disastrous.
- Secondly, we have invested significant dollars in signage, both inside and outside of the building, and marketing materials using the term “assisted living.” If we are unable to identify ourselves as “assisted living,” we will need to invest in new signage and marketing materials. Again, as a small, nonprofit organization, this is not something we can afford to do.

2800.101 Resident Living Units

We completed construction and opened our building in November of 2002. As such, our building was compliant with the Chapter 2620 regulations is compliant with the Chapter 2600 regulations. But, our private rooms only have around 162 square feet, so at the 175 square foot minimum, we can’t meet the new Chapter 2800 regulations. These stringent square footage requirements make it impossible for our community to be licensed under Chapter 2800. So, if we are unable to meet this requirement with newer construction, how will many of the older facilities be able to be licensed under Chapter 2800?

The regulations state that residences are to provide refrigerators and microwaves in each room. Again, as a small, nonprofit organization, this is just unaffordable for us.

With respect to the kitchen requirements, the request for use of a kitchen in the senior population is very minimal. In fact, a large majority of residents who reside in assisted living facilities have chosen this lifestyle because they do not want to cook their own meals.

2800.56 Administrator Staffing

The requirement that the administrator be present in the residence an average of 40 hours per week raises many questions.

- What about vacations? Are those hours to be made up and how is that to occur?
- How are off-site meetings, off-site assessments, and off-site trainings taken into consideration? Does this requirement mean that the administrator needs to be

physically present in the building for 40 hours per week? This requirement is unclear and could be subject to different interpretation.

2800.225 Initial and Annual Assessment

This intent of this requirement is not clearly stated. Is the intent that all assessments must be done under the supervision of a registered nurse? Or, is the intent that the administrator or designee can perform assessments, but an LPN must be under the supervision of an RN. This requirement needs clarification and could be subject to interpretation if implemented as it is currently written.

2800.228 Transfer and Discharge

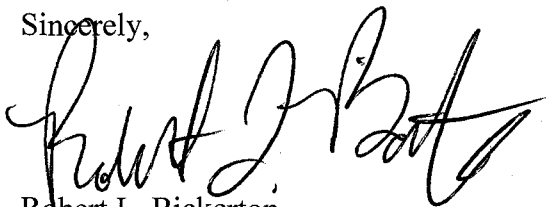
Facilities should be permitted to maintain control of transfers and discharges of their residents. Involvement of the ombudsman as an active participant is inappropriate and unnecessary. We currently staff with an RN, LPNs and maintain close relationships with each resident's physician. As such, we believe that our team approach is infinitely more effective than relying on an ombudsman for determining the transfer of a resident.

In conclusion, I do consider these regulations to be a step forward to the long term care industry in Pennsylvania. From our community's standpoint, there are many new requirements in Chapter 2800 that we implemented and have been following for years. But, the concerns that I mentioned previously will make it impossible for us to be licensed under Chapter 2800.

One of the goals of these new regulations is to raise the quality of care for Pennsylvania's senior citizens. These regulations should have been written to include as many of the quality providers as possible in this evolution of long term care in Pennsylvania. Unfortunately, if these regulations are implemented as written, there will be many quality providers that will be excluded.

Thank you for taking to the time to consider these concerns.

Sincerely,



Robert L. Bickerton
Director
Beaver Meadows