

2712

14-514

L-14

RECEIVED

8/19/08

2008 AUG 29 PM 3:46

Gail Weidman
Office of Long-Term Care Living
Bureau of Policy and Strategic Planning
PO Box 2675
Harrisburg, Pennsylvania 17105

INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Regulation No. 14-514 Assisted Living Residence Regulations

Dear Ms. Weidman,

I have recently had an opportunity to review the referenced proposed regulation. I currently serve as the Chairman of the Pennsylvania Brain Injury Advisory Board (Department of Health) and as a Vice-President of the Brain Injury Association of Pennsylvania. However, the comments that follow are only my personal opinions based on 14 years of experience as the parent of a survivor of Traumatic Brain Injury.

Following are my comments.

1. What impact will the cost of these regulations (to the provider) have on the availability of Assisted Living facilities in rural areas of the state, or to persons with very limited abilities to pay.
2. Is there a position comparable to the "Long-Term Ombudsman" for persons with disabilities who are <60 years old? Should you reference an organization like the Disability Rights Network of Pennsylvania also?
3. Same as Question 2 for the position of "Protective Services Unit" (Page 13).
4. Add Acquired Brain Injury to "Special Care Designation on page 14. Also add definition of Acquired Brain Injury.
5. Who does the "assessment" referred to in the section on "Support Plan" on Page 14? Will this person have any training in dealing with Acquire Brain Injury?
6. Page 15- 2800.5 Access... There should be a provision for access to legal guardians.
7. Section 2800.12 Appeals... Should be some assistance provided for persons with cognitive challenges in the appeal process.
8. Who investigates the "Reportable incidents & conditions" listed on Pg 17, 18, 19 under 2800.16 Reportable incidents & conditions? Having the provider investigate would not be best, especially for a person with cognitive issues.
9. 2800.17 - Confidentiality of Records - page 19 - Legal guardian(s) should have access to records.
10. 2800.19, c, d, e (Waivers) - Page 20. Add legal guardian to list of persons who get copy of a "completed written waiver request".
11. 2800.20 Financial Management - Page 21. Add Legal Guardian of Estate.

RECEIVED
08 AUG 29 PM 3:46
INDEPENDENT REGULATORY
REVIEW COMMISSION
277

12. 2800.12 – “Preadmission Screening” and development of “Support Plan” Page 21.
Who does the preadmission screening and development of support plan? There should be some assistive service offered to persons with cognitive challenges. There should also be some requirement that this screening be done by persons training in working with survivors of Acquired Brain Injury when appropriate.
13. 2800.2 – Application and Admissions – b. on Page 22 – The disclosure should also be given to the potential residents leguardian(s).
14. 2800.25 – Residence-resident contract – Add “legal guardians to sections a and b.
15. 2800.27 – SSI recipients -Page 26- Include special needs trusts in section b.
16. Perhaps changing the definition of “Designated Person” to include the legal guardians of both the estate and person would clarify and help.
17. 2800.64 Administration training & Orientation – pages 38-39 – Add “Care for residents with Acquired Brain Injury”.
18. 2800.65 Direct Care Staff person training & orientation – Section d(3) pg 41 – Add “care of persons who have sustained an Acquired Brain Injury”.
19. 2800.65 section f on page 42 0 Add “Care of persons who have sustained an Acquired Brain Injury.
20. 2800.24 Preadmission – page 78 – Should be some accommodation made for assistance offered to persons who have cognitive challenges in the pre-admission screening process.
21. 2800.231 Special Care Unites – Would this cover persons with severe Acquired Brain Injury?

I appreciate the opportunity to comment on these proposed regulations.

Sincerely,



Michael J. Miller
334 State St.
Towanda, PA. 18848
570.265.9606
mjmillier@epix.net