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#2712

Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

August 27, 2008

Dear Mr. Coccodrilli,

Enclosed you will find a list of several concerns and questions that I have about Senate Bill 704, the proposed Assisted Living Regulations. As you will read, my concerns are for my facility. I am having a difficult time trying to justify to myself the advantage of accepting more stringent regulations which will add to our financial burden and caring for residents with more needs, and receiving no additional funding. As a not-for-profit provider of services, presently at least 42% of our population in Personal Care is receiving benevolence from our organization. This additional financial encumbrance is going to strain us in meeting our mission.

I appreciate and understand what you are trying to accomplish, but if order for facilities to meet this regulation, there must be some adjustments made, additional clarifications of some of the paragraphs, and a well thought out reimbursement plan attached to the Bill.

Sincerely,

Lorraine Lardani, RN, MSHA, NHA  
Administrator of Health Services

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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1. The fees are much too high. A small facility of 51 beds would be paying \$5,855 per year for licensure.
2. 2800.14 (e) Fire safety approval renewed at least every 3 years? Clarification needed. By whom, what needs to be documented, etc.
3. 2800.16 Notification of illness requiring hospitalization is over-reporting. Even a SNF does not report illness requiring hospitalization.
4. 2800.22(b) (3) the resident handbook shall be approved by the Department. What approval methodology is going to be used? Each time there is a change, must it be re-submitted? How long will the approval time take?
5. 2800.30 (b) (1) "Cognitively impaired residents, the ombudsman shall be automatically notified by the licensee." If there is no responsible party I understand this, if POA or relative, why do we need to notify the ombudsman?
6. 2800.30(i)"Informed consent agreement must be updated following a significant change that affects the risk potential to the resident" Is there a specific form that must be used?
7. 2800.56 Administrator coverage; Does alternate need DPW licensing with the specific Administrator course of study? Also, will current PC Administrators and NHAs be grandfathered as Assisted Living Administrators? This is also a financial burden as we have two Licensed Nursing Home Administrators, neither administrators have a Personal Care License.
8. 2800.60 (d) "nurse on call at all times." What are the specifics? Does the nurse need to be within a specific drive time? Mileage? Available to answer questions via telephone? What are the expectations?
9. 2800.69 Dementia-specific training Okay if dementia unit. For those that do not have a specific unit, but do have residents with dementia, I would recommend the training be carried out over the first 6 months. This is also an additional financial burden on the facility with no reimbursement.
10. 2800.91 Emergency telephone numbers will "911" suffice for police, fire, ambulance, poison control, local emergency management so that "911 plus the nearest hospital and the assisted living residence complaint hotline will meet the requirement? Is the assisted living residence complaint hotline the state number?
11. 2800.94 Stairs must have strips for those with vision impairments. Do they need to be luminescent? Non-skid? Any other requirements for the strips?
12. 2800.101(d)2)(i)(ii) Microwave and refrigerator. This is a financial burden. Who is going to keep the refrigerator and microwave clean? Many of the

cognitive issues. This is also a safety issue. If these items are removed from the residents' rooms, the facility must have additional storage space to store them until used again. Again, additional cost to facilities without any reimbursement.

13. 2800.101(j)(1) fire retardant mattress Currently we allow our retirement living residents to bring their own bed and mattress. This would take away this right.
14. 2800.101(p) space for storage of personal property shall be provided in a dry, protected area. Is this in addition to the living space mandated in the regulations?
15. 2800.101(r) Emergency notification system - we have one in the bathroom and each resident is issued an emergency response system necklace. Will this meet the requirement?
16. 2800.105. Laundry returned within 24 hours is not realistic if a contracted service is used.
17. 2800.124. Notify the local fire department in writing of the address, etc. How often does this notification need to be done?
18. 2800.130(e) Smoke detectors and fire alarms tested once per month. This is very labor intensive and costly thereby placing an additional financial burden on the facility and is not necessary with an addressable system, Again, no reimbursement forthcoming for additional cost expectations.
19. 2800.130(f) Repairs completed within 48 hours. This is not always possible with a highly technical system.
20. 2800.131(a) Define living unit. A fire extinguisher in every resident room is costly and unsafe for frail elderly resident who are untrained in extinguisher use.
21. 2800.141(11) PPD must be documented on the medical evaluation form (MA51). This form was just re-done and there is no spot for the PPD results to be written. Is a separate page for results stapled to the medical evaluation acceptable?
22. 2800.171 (b)(5) Each vehicle must have a first aid kit. 2800.96 states that an AED must be in the first aid kit. Again this is an undue financial burden and not very practical. If the resident does not require assistance and needs the use of an AED, the driver would need to pull off the road, call "911", then retrieve the AED and follow the proper procedure. Too much time elapsing, also drivers would need to be trained in first aid, CPR and AED use.
23. 2800.220(r)(7) Escort service to and from medical appointment if transportation is coordinated by the residence. Yet in 2800.171(b)(7) it states that an assistant to the driver is necessary WHEN NECESSARY . These two regulations are contradictory.

24. 2800.224(b) Written notification of admission decision denying admission and provide a basis for denial. Is there a specific form letter? I also object to the decision letter including the basis for denial.
25. 2800.227(k) Suggest that the support plan be given to the family, resident upon request only.
26. 2800.268(a) How can written notification of a violation be given to the responsible party within 48 hours? This time frame is unrealistic.
27. I would like to see included in the regulation that each provider will be able to decide how much "aging in place" they are able to support.
28. Is there going to be any financial reimbursement associated with these more costly regulations and the higher acuity of the population of Assisted Living Facilities? If yes, when can facilities reasonable expect payment parameters to be established?
29. If a facility does not apply for an Assisted Living license immediately, will the facility be able to apply later without any penalty?

Sincerely,

Lorraine M. Lardani, RN, MSHA, NHA  
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