



#2712

September 5, 2008

Gail Weidman  
Office of Long-Term Care Living  
Bureau of Policy and Strategic Planning  
P. O. Box 2675  
Harrisburg, PA 17105

Re: Regulation No. 14-514

Dear Ms. Weidman,

Thank you for the opportunity to submit our comments, suggestions, and observations on the proposed Assisted Living rulemaking (Chapter 2800. Assisted Living Residences). The Baptist Homes Society currently operates a 54 unit assisted living facility on our Mount Lebanon campus and will shortly be opening a second, 83 unit assisted living facility on our Providence Point campus, which is under development in Scott Township, Pennsylvania. We are respectfully submitting the following comments for your consideration in developing final regulations.

**§ 2800.53. Qualifications and responsibilities of administrators**

The requirements of an associate's degree or 60 credit hours from an accredited college or university is onerous, restrictive, and should be eliminated or modified. This requirement does not recognize those dedicated and very capable individuals currently licensed and serving in personal care homes and assisted living facilities who do not meet this qualification. Surely the intent of this proposed regulation is not to deprive these individuals of the opportunity to continue to serve the elderly residents of the Commonwealth. Therefore, it is our request that those individuals who are currently licensed as personal care home administrators be grandfathered and exempted from the education requirements of this section. If that is not deemed to be acceptable, at the very least these individuals should be afforded a reasonable time period (not less than five years) to obtain an associate's degree or the necessary college credits to enable them to continue to serve as assisted living administrators after the effective date of these regulations.

**§ 2800.56. Administrator staffing**

Paragraph (a) states that "the requirement that the administrator shall be present in the residence an average of 40 hours or more per week." This is totally unreasonable and unrealistic. There

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489 Castle Shannon Boulevard  
Pittsburgh, PA 15234-1482  
Tel: 412.563.6550  
Fax: 412.572.8253

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are many legitimate business reasons for an administrator to be out of their facility, including, but not limited to, continuing education seminars, association meetings, meetings with family members and potential residents, various outreach activities, and so forth. In addition, in this era of cell phones, PDA's, Blackberries, and virtually universal internet access, an administrator is typically able to be in communication with their facility 24/7, regardless of their physical presence in the facility. Finally, this requirement will ultimately lead to the necessity of having two licensed administrators at each facility, adding unnecessary cost with no benefit to the quality of the residents' care and life. This paragraph should be eliminated.

**§ 2800.60. Additional staffing based on the needs of the residents**

Paragraph (d) of this section states that "the residence shall have a nurse on call at all times." Does this mean a Registered Nurse (RN) or a Licensed Practical Nurse (LPN)? Does this imply the availability of this individual to come to the residence? If so, are there time frames intended for their availability? Please clarify this paragraph.

**§ 2800.69. Additional dementia-specific training**

This section mandates "at least 4 hours of dementia specific training within 30 days of hire and at least 2 hours of dementia-specific training annually thereafter..." This is an onerous and unnecessary requirement, and we would respectfully request that you consider changing the requirements to "at least one (1) hour of dementia specific training within 30 days of hire and at least one (1) hour of dementia-specific training annually thereafter." In addition, we would also request that those individuals who are currently providing services to residents with dementia be exempted from the initial training requirement.

**§ 2800.83. Temperature**

Paragraphs (b) and (c) of this section address the need for central air conditioning as opposed to window air conditioning units. We would request that these paragraphs be clarified/modified to permit the use of 'through-the-wall' heating and air conditioning units as a means of controlling the temperature within a residence.

**§ 2800.101. Resident living units**

Paragraph (b)(2) of this section states that "each living unit must have at least 175 square feet..." We are respectfully requesting that existing assisted living facilities be grandfathered to be exempt from this requirement. Further, by way of clarification, we would request that the proposed rulemaking specify an existing residence's ability to be designated as assisted living for a portion of the residence (for example, 1<sup>st</sup> Floor as Assisted Living, 2<sup>nd</sup> Floor as Personal Care).

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Page 3

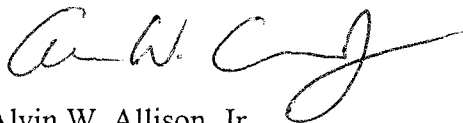
**§ 2800.162. Meals**

Paragraph (a) of this section states, "there may not be more than 15 hours between the evening meal and the first meal of the next day." This requirement is not in line with culture change and the trend toward resident-directed care. We are respectfully requesting your consideration of additional language which would permit accommodation of a resident's desire to 'sleep in' and/or otherwise skip the breakfast meal, with or without the resident's physician's prescription, even if this would be on a daily basis. It is our desire to make our resident's lives as independent and self-directed as possible, and we believe that changing this paragraph to acknowledge a resident's right to self determination would help to promote this process. In addition, in light of a residence's monitoring of each resident's nutritional status, meal time hours are not indicative of the resident's nutritional outcome. As the industry moves toward an outcome-based system of quality measurement, the nutritional/health status of the resident should be the driving force of how well a resident's support plan meets their nutritional needs, not when meals are served.

Baptist Homes is very appreciative of the opportunity to comment on this proposed rulemaking, and we thank you for your time and consideration of our observations, suggestions, and recommendations.

If you have any questions or would like further clarification of any of these items, please feel free to contact me by telephone at 412.572.8291, or via e-mail at [aallison@baptisthomes.org](mailto:aallison@baptisthomes.org).

Sincerely,



Alvin W. Allison, Jr.  
Executive Administrator

c: IRRC  
M. Wilt, PACAH  
T. Swortzel  
C. Land  
J. Wasko  
J. Morelli  
File