



# Holy Family Assisted Living

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a community of  
Catholic Senior Housing and Health Care Services, Inc.

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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September 3, 2008

Gail Weidman  
Office of Long Term Living  
Department of Public Welfare  
6<sup>th</sup> floor, Bertolino Building  
Harrisburg, PA 17102

Dear Ms. Weidman:

As a personal care boarding home administrator for the 14 years of a non-profit, faith based home, I have serious concerns with the proposed regulations for assisted living residences. The financial impact of the proposed regulations on our Residents will be significant and will negatively influence the industry.

The significant costs that will be incurred to meet the proposed regulatory requirements would be passed on to the consumers who in most cases are already financially burdened. Currently there is no data that incurring these costs would improve the health or safety of the Residents we serve. The bulk of these regulations focus on the physical blueprint amenities, which have little or no bearing on the care that our Residents receive. Consumers already have the choice to go to "higher end" homes such as continuing care retirement communities, or to go to personal care boarding homes and receive services, or even skilled nursing homes. In order to meet the requirements as set forth in the proposed regulations, costs incurred will be shifted to the Residents and the department has not shown their commitment in any funding for this level of care. Our non-profit home provides significant financial assistance through funding for residents who need a place to live and do not have resources to live elsewhere. The proposed regulations and the capital investment the regulations require will have a serious impact in our ability to provide for those who have the greatest needs and cannot afford to pay. My question then is where will these Residents go? Is the department of aging prepared for the influx of Residents they will receive referrals for placement? The economic ramifications of these proposed regulations must be thoughtfully examined prior to making them final.

Following is a list of my most substantial concerns regarding the proposed regulations:

1. **Licensure Fees:** The proposed licensure fee structure is an acute change in policy from the system that has been used by personal care homes, and would cause financial burden on providers. A \$500.00 licensure fee, along with a \$105.00 assessment per bed would result in a 100 bed facility paying a licensure fee of \$11,000.00. Quality assurance through licensure is a core function of the government. These fees, which appear to recoup the costs of regulating Assisted Living Facilities in the Commonwealth are





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punitive and unacceptable as drafted, and will essentially take vital dollars away from the Residents we serve.

2. **Bundling of Core Services:** Language in Section 25 (c) and Section 220, regarding the fee schedule of services that will be available to an individual, is unclear. It is open to interpretation as to whether a fee schedule for services, and the accompanying charges for these services to the Resident is permissible. Further explanation of these sections must be forthcoming from the Department.
3. **Administrator Requirements:** The proposed regulations make it clear the home must employ 2 administrators, as the designee must possess the same credential qualifications as the administrator, and be present 24/7 in the home. Meeting these proposed regulations will add additional costs to operations.
4. **Physical Blueprint Requirements:** A more spacious home does not make a happier home. Our already frail, elderly population that we serve has some level of degree of mobility and ambulation difficulty. Providing them with a bigger room will increase the fall risk as they will have more floor space to cover. More space does not enhance the level of care or intrinsically heighten the dignity of the Resident occupying the room. If the Department's rationality for increased floor space is to allow the Resident to "age in place" how will increased floor space enhance their dignity if they have difficulty crossing the room? In essence, personal care boarding home Residents who are potentially more mobile will have less required floor space than those who are potentially less mobile? Also, providing a "more frail" person with a kitchen in which to cook their own food provides more risk to the Residents at large. Whom will be held accountable for botulism, etc. when these Residents (who do not like to waste food) start re-heating and cooking their leftovers, or spoiled food in their refrigerators? The majority of our Residents do not want or need a kitchen in their rooms, this is part of the reason both they and their families have sought placement in a home, due to poor eating and weight loss and/or not following their prescribed diets.
5. **Discharge of Residents:** The proposed regulations curtails the home's control over the transfer and discharge of its Residents by inserting the Ombudsman with an active role in negotiations and/or in the dispositions of informed consent agreements and/or in the discharge proceedings, very similar to a legal advisor for the Resident.
6. **Pharmacy and Prescription Drug Accountability:** The facility should be permitted to dictate the manner in which prescription drugs are delivered and packaged by a pharmacy. The facility must be able to ensure the integrity of its medication administration regimen, and to deviate from that system will pave the way for medication administration errors. This is not consistent with Resident safety.
7. **Fire Extinguishers:** A fire extinguisher in every living unit would be extreme; a more preferable solution would be to require sprinkler systems throughout the home, and fire extinguishers according to the personal care boarding home regulations.



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8. **SSI Recipients:** Will this funding be taken from (or shared with) personal care boarding homes?
9. **Qualifications and Responsibilities of administrators:** This regulation does not allow flexibility for administrators, such as myself, that do not have a degree from an accredited college or university, but have many years of experience successfully managing a home(s).
10. **First Aid Kits:** An AED in the vehicle used for transportation exceeds regulations for skilled nursing homes, and again places undue financial burden on the home, which is then passed on to the consumer.
11. **Temperature:** Homes in existence who wish to be licensed as an Assisted Living Residence will be required to provide central air, which will be cost prohibitive, and again those costs passed on to the consumer.
12. **Resident Living Units:** Each living unit is proposed to have individually controlled thermostats for heating and cooling. The prospects of controlling utility costs and resident safety become an issue. In addition this would be cost prohibitive for most existing personal care homes.

I conclude this letter of comment with a plea to consider the significant financial burden these proposed regulations will, in effect, cause to be placed upon the elderly Residents we serve. Dignity and respect should be foremost in the minds of regulatory commissions, and implementing additional financial costs on them at this point in their lives is unjust. Try looking into the eyes of these dignified, proud people when their money runs out, and tell them they have to leave because of the high costs incurred due to regulatory changes.

Sincerely:

Karen Abruzzese  
Coordinator of Holy Family Residential Services