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INDEPENDENT REGULATORY
REVIEW COMMISSION

#2712

August 28, 2008

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

Dear Ms. Weidman:

I am writing on behalf of my organization, Phoebe Home in Allentown, PA. Phoebe Home operates a 55-bed Personal Care Facility, among other services ranging from home-based geriatric care management to skilled nursing services. We have been evaluating the proposed regulations for Assisted Living licensure, and are very concerned about several proposed regulations that we would ask you to reconsider. Our concerns are as follows:

1. The proposal does not include any means of additional publicly funded reimbursement to AL facilities. There are many low-income Pennsylvanians who would require care in an AL facility who would be denied admission simply due to a lack of funds to pay privately.
2. The proposed licensure fee is extremely excessive. Proposing a \$500 fee plus a \$105 per bed assessment is prohibitive to many providers. The proposal would put PA at or near the most expensive in the nation. It seems like this fee is simply being proposed to cover the cost of additional licensing surveyors, which we feel is a core function of government. Currently, the highest fee required to renew a Personal Care Home Facility is \$50. Under these proposals, a 100 bed facility would pay \$11,000 for a license renewal.
3. We agree that each facility should own a handicapped accessible vehicle, however not every resident requires a vehicle that is accessible. Requiring that every facility owned vehicle be handicapped accessible is very burdensome, and may cause facilities to simply decide not to provide any transportation to their residents.
4. Requiring that an administrator be present 40 hours per week is excessive especially given the number of CEU's required throughout the year. This doubles the requirement of Personal Care Homes, and ensures that an administrator cannot serve in both a personal care home and an AL facility. Since the regulations so closely mirror each other, and the proposals allow for a facility to be licensed as both, under the same roof, 20 hours should be sufficient. It does not recognize the reality of continuing care retirement communities where administrative staff may cover multiple functions unlike a free-standing personal care facility not part of a campus community.
5. Since AL facilities are required to provide 3 full meals per day, requiring a kitchen area with hot and cold running water in every unit, could be excessive. A shared or "country" kitchen area would adequately meet the needs of residents.
6. It is not clinically necessary to have a Registered Nurse complete assessments and support plans. This will significantly increase costs associated with operations. Having an RN review

and validate plans and assessments could be reasonable, but requiring the direct supervision of an RN is not warranted.

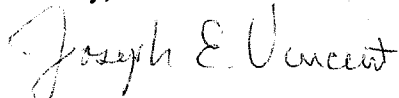
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7. The proposed regulations allow for a resident to rescind the contract for up to 72 hours after signing, which is appropriate. However, it also allows for a resident to rescind upon receipt of the initial support plan. Since the initial support plan is not required to be completed for up to 30 days after admission, allowing a resident to rescind after this amount of time is burdensome. Given that the resident is given the opportunity to have input into their own care planning, this is unnecessary.

Most of the above requirements have financial costs to implement, some more significant than others. Of course, these costs have to be passed along to consumers which will only drive the cost of the services even higher. Some folks may find the assisted living facilities beyond their financial means.

I appreciate the opportunity to share these concerns as you think about expanding the options for seniors to get the care they need in the proper setting.

Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Vincent".

Joseph E. Vincent, M.D.