

THE PHILADELPHIA PROTESTANT HOME  
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INDEPENDENT REGULATORY  
REVIEW COMMISSION



September 8, 2008

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

RE: Proposed Rulemaking ID Number 14-514 Assisted Living Residence

Dear Mr. Coccodrilli,

The Philadelphia Protestant Home is a 600-bed not-for-profit continuing care retirement community, which includes a 175-bed licensed Personal Care Facility.

We have been anxiously awaiting the posting of the Assisted Living Residence draft regulations, only to find them cumbersome and disappointing, and in no way represent the needs or demands for the assisted living population currently being served in Pennsylvania.

The following details the main challenges that will affect and inhibit our ability to provide cost effective and quality care to our residents:

1. **Licensure Fees:** The proposed fees with an annual adjustment are astronomical. Our fee would increase \$18,825 per year, which would be a direct impact on our residents. The proposed fees are not competitive with neighboring states. For example, if our home were located in New Jersey or Ohio, our fees would be \$4125 or \$595 respectively. The proposed licensure fees put Pennsylvania at one of the highest in the nation. One of the intentions of the proposed regulations was to allow for low-income seniors the opportunity to live in assisted living. An increase of this magnitude would directly be added to the consumer's daily rate, segregating the very population for whom the regulations were intended.
2. **Administrator Staffing/Training/Designee:** The proposed regulations do not allow for portability of administrator training as it does for staff training from a personal care home to an assisted living residence. The requirements for administrator training are the *exact same* requirements listed under the current personal care home regulations. Regarding the designee holding the same qualifications as a credentialed administrator puts an additional cost of approximately \$5000 per year for initial and annual education. In addition, one must factor adequate compensation for the designee comparable to the



credentialed administrator. It is unnecessary to require a designee to conform to the same standards as a fully credentialed administrator when the proposed regulations require their presence 40 hours or more during any given week.

3. **Additional Staffing Based on the Needs of Residents:** The proposed 2800 regulations require a dietician on staff or under contract to provide for any special dietary needs. Under the 2600 regulations, a resident's special dietary needs must be met. This is the second position requiring a large salary (\$50,000 plus benefits) added to the proposed regulations.
4. **RN Supervision for Assessment and Support Plan Development:** The proposed regulations allow for an administrator or designee, who may be an LPN or some other non-medical professional, to complete an assessment and develop a support plan. However, an LPN working for the facility as a nurse may not complete an assessment unless supervised by an RN. This is a contradiction. An RN is the third unnecessary yearly expense (\$60,000 plus benefits) that would be a direct impact to the resident.
5. **Kitchen Capacity:** The proposed requirement for working kitchens is another enormous cost to the facility, which reverts to the resident. The addition of a Microfridge (refrigerator, freezer, and microwave in one) per living unit would cost our facility \$66,000 for an appliance that very few residents would use. We currently have residents in our Independent Living Apartment Buildings who put themselves and others at risk by falling asleep while cooking on the stove, burning toast or popcorn, or forgetting something in the oven. In these instances, the offending resident is re-assessed and more than likely moved to the personal care section of the home, which is a safer environment for them and others. Adding kitchens to assisted living units will greatly affect the safety of the resident.
6. **Transfer & Discharge:** The facility must be permitted to maintain control over transfers and discharges. The proposed regulation requiring notification to the local ombudsman is unnecessary and inappropriate. An ombudsman should be a resource for a resident, their designee, or staff of a facility. An ombudsman solves problems. Transferring or discharging a resident should not be considered a problem. This is an unnecessary requirement, which should remain an option.
7. **Fire extinguishers:** The proposed requirement in regards to every living unit being equipped with a fire extinguisher is one more notable cost to affect the resident. It would cost our facility approximately \$48,000 to place a fire

extinguisher in a locked wall cabinet in each living unit. This is an unnecessary expense, which could be solved with appropriately placing fire extinguishers in the hallways. Looking at the safety of the residents, all extinguishers would need to be in locked cabinets, which cost more than the extinguisher alone.

These are highlights of the major areas to the proposed 2800 regulations, which we deem flawed. It would cost our home approximately an additional one-quarter million dollars annually in salaries and benefits, and approximately another one-quarter million dollars annually to operate under the proposed regulations. It is definitely not advantageous to adopt these proposed regulations exclusively to receive a waiver for a handful of residents whose number and amount is yet to be determined.

In all, these regulations do not in any way clearly define assisted living or make any substantial differentiation from personal care. The only accomplishment is an unaffordable option for consumers, and discontented Personal Care Providers who have no desire to become a part of it.

Thank you for the opportunity to provide comment.

Sincerely,

Anthony Manzo, President & CEO

Richard Hartmann, Vice President & General Counsel

Bob Andres, President-PPh Group

Mary Ann Parris, Administrator

Mary Ellen Keller, Director of Training