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INDEPENDENT REGULATORY
REVIEW COMMISSION

September 8, 2008

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

Dear Ms. Weidman:

Philadelphia Corporation for Aging is pleased to have the opportunity to submit comments on the proposed Assisted Living Regulation, ID #14-514 (#2712). We applaud the administration and the legislature for undertaking this important regulatory task, to provide important protection for Pennsylvania consumers residing in Assisted Living facilities.

Assisted Living facilities are a vital component of the array of services needed to serve and care for Pennsylvania's senior and disabled citizens. PCA is committed to supporting the administration and legislature in their endeavors to promulgate regulations which are comprehensive and effective. To that end, we have reviewed the proposed regulations, and would like to submit the enclosed comments.

Again, thank you for this opportunity. Please feel free to contact me for clarification or further information, at 215-765-9000, ext. 5715.

Sincerely,

RODNEY D. WILLIAMS
President

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LR:RDW/bhg

cc: Mr. Arthur Coccodrilli, IRRC
Ms. Crystal Lowe, P4A



PHILADELPHIA CORPORATION FOR AGING
Enriching lives, preserving dignity.™

Comments on Regulation ID #14-514 (#2712) submitted by Philadelphia Corporation for Aging

General comments:

The Regulations are unclear on the question of whether or not the resident is considered a tenant, who has the rights and protections of landlord-tenant law, and who can obtain tenants insurance.

Furthermore, there is no stated requirement of accessibility for wheelchair users. Entrances, pathways and doorways in common areas should be accessible, in addition to specific rooms and/or units.

Comment by section:

Definitions

2800.17

Reporting abuse

While it states “the residence shall immediately report abuse,” it does not define “immediate” nor is there anyone designated as the person responsible to do so

2800.24

Personal Hygiene: Although it states that the residence is responsible for assisting in personal hygiene, it does not specify the frequency.

2800.4

The term “cognitive impairment” is utilized repeatedly but not defined. (dementia is defined)

Excludable Conditions

Should describe such conditions and resident care and services.

2800.22

(a) (2) Medical evaluation should be completed prior to admission.

(a) (4) The support plan should be developed and implemented upon admission, including the involvement of the resident, and not after admission.

(b) (4) (i) Should include minimum standards and maximum limits regarding frequency of services.

2800.25

(a) The written resident-residence contract should be in place at least 24 hours **before** admission and not after admission.

2800.30

(b) (1) Although the Ombudsman contact information should be made available to the resident, under no circumstance should the licensee directly notify the Ombudsman of an informed consent process or any other individual resident matter. Aside from a breach of confidentiality, the ombudsman program is resident-directed.

2800.41

(a) The resident and/or the designated person should be informed of resident rights **prior** to admission and not upon admission.

(d) A copy of the resident's rights and complaint procedures should be given to the resident and/or the resident's designated representative **prior** to admission and not upon admission.

2800.42

(a) The discrimination statement should also include gender identification.

(g) The right to communicate with legal counsel and advocacy services should be included.

(y) Residents should be provided freedom of choice in the selection of supplemental health care service providers.

2800.44

c) Permission to independently seek assistance from outside legal counsel and/or advocacy services to make a written complaint should be included.

(e) The resident should receive a written status report in response to a written complaint within 2 business days.

2800.53

(a) The minimum education requirements for the Administrator are insufficient – an individual could have as little as an LPN with one year of experience in the last 10 years; or have just 60 hours of college and two years of the last 10 in some human services field.

2800.57

The ratio of staff to resident is inadequate. The requirement for direct care including supervision of the resident is approximately one hour a day per mobile person and two hours a day for residents with limited mobility. Based on this formula, in a 24-hour day, only one person would be required for 24 mobile residents; or one for 12 residents with limited mobility.

2800.60

(d) The qualifications of the on call nurse (LPN or RN) should be described, preferably a registered nurse.

2800.63

(a) All staff should be trained and certified in the described life saving skills rather than sufficient staff.

2800.65

c) A specific curriculum should be described for the orientation and training of ancillary staff.

2800.107

There should be a requirement for duplicate emergency information to be stored off-site.

2800.132

Specific reference should be made regarding the evacuation of mobility-impaired residents, with cross-reference to 2800.123.

2800.141

(a) (11) The tuberculin testing process should be fully completed prior to admission and not within 15 days after admission.

2800.142

(a) Same as 2800.42 (y) above.

2800.182

(b) (4) Any administration of medication by trained staff should be under the supervision of the registered nurse.

2800.188

c) In addition to the documentation of medication errors, an incident report should be completed and investigated for corrective action.

2800.224

(b) Written notice of a decision to deny admission should be provided to the resident within 15 days of the date of the pre-admission screening.

2800.225

(a) The initial assessment should be completed and documented 15 days prior to admission and not within 15 days of admission.

2800.227

(a) The written support plan should be developed prior to admission and implemented upon admission and not within 30 days of admission.

2800.228

(b) (1) (iv) An appeals procedure should be described for any residence initiated transfer or discharge of a resident.

(f) The Department should offer relocation assistance to residents in conjunction with the Adult Residential Licensing Program (ARL) and not with "appropriate local authorities" (e.g. Veterans Administration, Mental Health / Mental Retardation, Area Agency on Aging, etc.)

(h) (3) Same as (f) above.

2800.231

c) The written cognitive pre-admission screening should be conducted 15 days prior to admission and not within 72 hours of admission.

2800.251

(e) Records should also be made available to those agents and representatives named in section 2800.5 (which includes representatives of the Area Agency on Aging (i.e. assessment and protective services).