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INDEPENDENT REGULATORY
REVIEW COMMISSION



SAINT MARY'S AT ASBURY RIDGE
SAINT MARY'S EAST

September 9, 2008

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

Re: Proposed DPW Assisted Living Regulations

Dear Ms. Weidman,

As the Administrator of a Continuing Care Retirement Community I am very concerned about the proposed Assisted Living Regulations and the cost related to implementing the regulations. This additional cost will impact our operational cost which will then lead to rate increases for our residents.

The following are the major areas of concern:

Projected Cost Increase:

§2800.11 Licensure Fee:

We are currently licensed for 164 personal care beds with an annual licensure fee of \$50.00. All the units meet the criteria for Assisted Living square footage.

I support an increase in the licensure fee however, the rate planned in not just.
The proposed fee: $\$500 + \$105 \times 164 \text{ beds} = \$17,720.00$,
an increase of **\$17,670.00** which is too high a cost.

\$17,670.00

§2800.56 Administration Staffing and §2800.64 Administrator Training etc:

Requiring that an administrator be "present" an average of 40hrs or more per week in each calendar month Is not realistic. This regulation requires that 2 staff members be educated, trained and paid as an administrator in order to provide this coverage. The administrator must be able to attend,

meetings, educational programs and take vacation and still be responsible for the care. Having one person responsible ensures accountability and having two (2) people is not effective. The cost of education, training, on going in-Service hours and salary of an additional administrator:

education & training approximate -	\$ 5,000.00	
annual salary & benefit	\$64,392.00	
annual in-service	<u>3,000.00</u>	
	\$72,392.00	\$72,392.00

Also, the regulation does not allow the individual to serve as an administrator at both a Personal Care Home and an Assisted Living Facility- given the facility can be dually certified. Thus we would need to hire administrators for the Assisted Living based on meeting the regulations and still maintain our current director for the Personal Care residents. The Personal Care residents and Assisted Living residents will be living within the same area and will receive services from the same staff members.

education & training approximate -	\$ 5,000.00	
annual salary & benefits	\$64,392.00	
annual in-service	<u>3,000.00</u>	
	\$72,392.00 x 2 people	\$144,784.00

§2800.64 (a) (2) Not accepting a person with a NHA (Nursing Home Administrator) Lic. or a Personal Care Education as Administrator of Assisted Living is unreasonable and creating additional cost.

§2800.96 First Aid Kit:

The regulation requires that an AED (automatic electronic defibrillator) included in each first aid kit.

We do have one (1) AED which is available. However in order to have an AED with each first aid kit and each mode of transportation would require the purchase of 7 additional AEDs at \$2,000.00 each. The AED company's procedure requires daily check and testing of the device in order to ensure operational status. – daily man hours approx – 2hrs at \$12.00/hr due to the size of our facility.

The facility van does not lend to a person/driver applying an AED – 911 should be called and the person would be transferred into the ambulance for care.

cost of 7 AEDs-	\$14,000.00
daily checking (year)	8,760.00

§2800.101 (j) (1) Resident Living Units

The regulation states that the unit be equipped with a bed with a solid foundation and a fire retardant mattress. We do allow the resident to provide their own furniture, fire retardant mattress, included. The sleep surfaces are a very personal item and provide personal comfort. Providing a box spring and mattresses at \$400.00/ea total is very costly.

164 twin size box spring and mattresses
(total possible) **\$65,600.00**

§2800.131 Fire Extinguishers

Requires that a fire extinguisher be located in each kitchen and in the living unit. Also stated that the fire extinguisher shall be kept locked if access to it by a resident could cause a safety risk, but each staff member must be able to immediately unlock the extinguisher if needed. – This regulation is a safety risk not a safety enhancer. Fire extinguishers are already available per Department of Health Life Safety Regulations. Having an extinguisher in each resident’s unit is not necessary, especially if it is locked.

cost of additional fire extinguishers @85.00/ea **\$4,000.00**

monthly inspection of each extinguisher
@5hrs at 20.00/hr /year **\$1,200.00**

replacement of extinguisher **\$1,000.00/yr**
(every 4 yrs per safety standard-extinguishes
must be replaced or refilled. Our plan to replace
\$1,000.00 each year)

§2800.171 Transportation

Requires that a facility to provide or coordinate transportation and assistance to and from medical and social appointments.

We already coordinate services with various transportation providers; however this regulation appears that both the transportation and the assistance should be at the cost of the facility. Quite often the family member is able to provide transportation and assistance—and if this regulation is implemented the facility would be providing all transportation and assistance to their residents. This would impact not only nursing hours but also additional cost for more vehicle and drivers. Nursing hours would be impacted because the nursing staff on duty could not leave the facility and residents in order to accompany a resident which requires assistance. Additional

nursing staff would need to be hired to accompany residents to appointments.

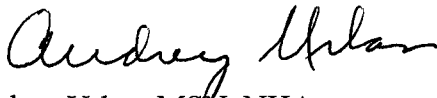
vehicle (wheelchair accessible)	\$30,000.00 plus maintenance cost & fuel
driver \$15.00/hr	\$31,200.00/yr
nurse aide \$9.94/hr (plan 2/3 trips per day @ 6 to 8 hrs/day)	\$20,675.00/yr

Total Cost Projected \$411,281.00

The proposed Assisted Living Regulations contain other areas of question but I only stated the regulations which will have a major impact on the operational cost of our Assisted Living/Personal Care Area thus effecting the cost of living at our facility. The current daily rate for personal care resident living in a 396 sq ft apartment at our facility is approximately \$122.00. The implementation of the proposed regulations will **increase the daily rate approximately \$5.66 per day or \$2,066.00 per year**; making the daily rate \$127.66 or \$46,595.90 per year thus possibly making it too costly and the resident would later require Medical Assistance support after their funds are exhausted.

I recommend strongly halting the implementation of the Assisted Living Regulations until the proposed regulations can be thoughtfully reviewed. If you have any questions about the information that I have stated, please call me at (814) 836-5305.

Receptive Submitted,



Audrey Urban MSN, NHA
Administrator
Saint Mary's at Asbury Ridge

cc Independent Regulatory Review Commission
C/o Arthur Coccodrille, Chairman
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