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SEP 12 2008

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

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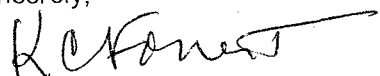
INDEPENDENT REGULATORY
REVIEW COMMISSION

Ref: _____

Dear Ms. Weidman:

I am sending along some comments on the proposed Assisted Living Regulations that I prepared for our state ombudsman group.

Sincerely,


Kathy C. Forrest, MSW
Long Term Care Ombudsman
Bucks County Area Agency on Aging
30 E. Oakland Ave.
Doylestown, PA
215.348.0510, ext. 1255
kcforrest@co.bucks.pa.us

From: Forrest, Kathy C.
Sent: Thursday, August 28, 2008 5:40 PM

Cc: Tobin, Lois J.
Subject: Comments on Proposed Assisted Living Regulations

Please find my informal comments below. I did not attempt to format to the outline provided. I used the PA Bulletin as my reference, and page numbers reference pages in the Bulletin.

Role of the long term care ombudsman (#2800, p.4464) Add: (roles other than complaint agent): quality assurance visits; consultation to public agencies and elected officials ; training, consultation and mediation in facilities; public education.

Informed consent process. (#2800, p.4469) First of all, I think this is a corruption of the term as commonly understood by the public. The statement that a "cognitively impaired resident" must have his/her legal representative present to negotiate care/behavioral agreements is vague. Who determines whether a resident has an impairment? Potential for punitive application exists here. A resident whose impairment is documented medically still may provide valuable insight and judgment in care planning and understand the consequences of their not following the plan mutually arrived at.

I do not see special circumstances nor a special role for the ombudsman in this process. Rather, both the resident and the staff/facility have access to the ombudsman in every instance of disagreement about care and perceived or actual abrogation of rights. Notifying the ombudsman in each instance of disagreement is specifically punitive as it violates the resident's privacy and consent to have the ombudsman involved. "Cognitively impaired" residents do not give up those rights without adjudication. In addition, the potential for unaffordable, unnecessary workload demands on the AAA make this requirement unlikely to be incorporated into the local ombudsman's hierarchy for prioritizing complaints, referrals.

Transfer and discharge (#2800.228,p.4488) There appears to be an appeals process for the facilities in this proposed legislation, but I do not find one specifically for the residents. I believe that this is a shortcoming in the current regulations as well.

Firearms and Weapons (#2800.108, p.4479) No one asked for an opinion but I cannot believe there is a place for firearms and weapons in an assisted living facility.

***Kathy C. Forrest
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