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September 10, 2008

Gail Weidman  
 Office of Long Term Living  
 BOX 2675  
 Harrisburg, PA 17105-2675

SEP 16 PM 3:30  
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 OFFICE OF LTL

INDEPENDENT REGULATORY  
 REVIEW COMMISSION

SEP 12 2008

Dear Ms. Weidman:

Ref: \_\_\_\_\_

I am writing on behalf of Green Hills Manor, located in Reading, Berks County, PA. We have reviewed the proposed 2800 Assisted Living Regulations and have concerns about the significant increased costs which would result if we choose to pursue assisted living licensure.

It is our understanding of the need to create a level of care between personal care and intermediate care is to allow consumers more choice and flexibility in long term living and to age in place. Many of the proposed regulations actually limit consumer choice. Additionally, the result of implementing necessary changes would require a significant increase in costs which would be passed on to the consumer.

Concerns regarding specific regulations include:

1. The proposed regulations do not address whether additional public funding, i.e. waiver dollars will be available to help consumers pay for the cost of assisted living; nor what the rate of reimbursement would be if public funding becomes available.
2. The significant increase in licensure application fees is exorbitant. Our costs for a current personal care home license is less than \$200. An assisted living license would cost \$10,000.00.
3. The regulation 2800.16 states that all "illnesses" is a reportable incident. Many consumers are diagnosed with co-morbidities which when exacerbated, i.e. CHF, COPD, require hospitalization. Requiring a reportable incident for such hospitalizations is unnecessary and will result in increase costs to residents, facilities, and the department of long-term living. The intent of a reportable incident is to determine if a resident has been placed in harm. An exacerbation of a co morbid condition does not meet the intent of this regulation.
4. 2800.20 Financial Mangement. This regulation does not allow for consumer choice if the resident chooses to have more than \$200 in his/her account.
5. 2800.22 Medical evaluation must be completed within 60 days of admission or within 15 days after admission. Often physician appointments cannot be made within 15 days of admission. This regulations should allow for a medical evaluation to be completed within 30 days of admission.
6. 2800.25 Resident Contract allows for a resident to provide a 14 day notice of termination of the contract, but requires a facility to provide a 30 day notice. Most landlords receive at least a 30 day notice. Receiving a 14 day notice from a resident would significantly impact budgetary operations and increase admission costs to consumers.
7. 2800.30(2) Notification of informed consent. "A cognitively impaired resident shall be eligible for an informed consent agreement only if the resident's legal representative is included in the negotiation and executes the agreement". However 2800.30(3) requires that the local ombudsman automatically be notified. This regulation negates the capabilities of the legal representative. Many ombudsman are volunteers which would place additional unnecessary responsibilities on ombudsman when a legal representative is able to manage informed consent decisions.
8. 2800.56.b Administrator qualifications. Training of multiple administrators would be excessively costly. Administrator training costs \$2000.00, plus additional costs to maintain 24 credits annually.

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9. 2600.60(d) "In addition to the staffing requirements set forth in this chapter the residence shall have a nurse on call at all times. The on-call nurse shall be either an employee of the residence or under contract with the residence." This regulation will require substantial increase in operational costs.
10. 2066.60(e) Requiring a dietician under contract will result in substantial increase in costs.
11. 2600.61 Substitute Personnel must have the same training and qualifications. This regulation should allow for substitute personnel who meet the qualifications, but may work for an agency who has different training requirements.
12. 2800.96 Requiring an AED in every 1<sup>st</sup> aid kit will add additional costs.
13. 2800.98 Requiring two in-door common areas of at least 750 feet which can accommodate all residents would require additional construction and increase costs.
14. 2800.101.i1 Purchasing all new flame retardant mattresses would be costly. This regulation does not allow for consumer choice if a resident chooses to use their own mattress necessitating the consumer purchase a new mattress.
15. 2800.171d. Requiring all vehicles to be handicapped accessible would require increased costs. Many of our residents who are wheelchair mobile are able to transfer into an automobile. Requiring another staff person to accompany a resident to appointments would result in increased costs.
16. 2800.188b. Requiring that a consumers responsible party must be notified of a medication administration error violates a resident's ability to maintain independence, choice, and confidentiality.
17. 2800.202.4 Chemical restraint. Many physicians prescribe a PRN anti-anxiety medication to prevent an acute episode of anxiety, not to control behavior. This is similar to an order for a sliding scale insulin to medically manage a specific diagnosis. This regulation should not limit physician practice to treat patients. The department does not have a license to practice medicine.
18. 2800.225a Requiring that assessments be completed by an LPN under the supervision of an RN would significantly increase operational costs which would increase consumer costs.
19. 2800.227.b Requiring an RN to oversee the development of the support plan would significantly increase costs.
20. 2800.227.c Requiring support plans to be updated quarterly would require increased costs. If a support plan is updated when there is a significant change, this will adequately meet the resident's need and assure quality care.

Thank you for the opportunity to respond to the proposed regulations. I hope that the legislature will give careful consideration to the costs and impact on consumers if revisions are not made to the proposed 2800 regulations.

Respectfully,

A handwritten signature in cursive script that reads "Winona L. Kissinger".

Winona L. Kissinger  
Administrator  
Green Hills Manor  
10 Tranquility Lane  
Reading, PA 19607

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