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Continuing Care Community

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INDEPENDENT REGULATORY REVIEW COMMISSION

September 12, 2008

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

Reference: Proposed 2800 regulations, IRRC #14-514

Dear Ms. Weidman:

I am writing to share with you the concerns of the Maria Joseph Continuing Care Community and of the Sisters of Cyril and Methodius who sponsor our organization and whose mission includes the care and concerns on the elderly and poor.

After reviewing the proposed regulations, we have serious concerns about the public policy directions, financial costs, and the reasonableness of implementation of certain provisions of the proposed regulations. The impact, especially on facilities and on residents at all income levels, will be significant and negative. The proposed regulations would impose significant new costs on homes and residents and, in most cases, these costs would not improve the health or safety of the residents. They would instead focus on the construction of physical plant amenities that have little to no bearing on the care delivered to the resident. A \$500.00 licensure fee, with a \$105.00 assessment per bed would result in additional costs to our community over \$15,000.00.

To pay for these requirements, homes must either increase costs to the resident, reduce care and services, or allow the costs to impact the viability of the provider. Currently we have three facilities that are licensed as Personal Care Homes under the Department of Public Welfare: Maria Joseph Manor, The Nazareth Memory Center, and Maria Hall. After a close evaluation of the proposed regulations, we have determined that it would not be economically feasible to apply for an Assisted Living License under the proposed regulations for any of these facilities. The physical requirements alone for the size and contents of the proposed resident living space would prohibit us to pursue this new licensing entity.

The statute and the regulations mandate that each living unit in an Assisted Living Residence shall be equipped with its own private bathroom. This provision, along with the minimum square foot requirement, represents the most crucial determinant as to whether a facility will pursue an Assisted Living license. Many current Personal Care Homes are not equipped with private bathrooms in each living unit, and to retrofit current structures to accommodate this requirement will be costly and time consuming.

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Along with the minimum square footage requirement, is the necessity for facilities to equip living units with a kitchen that possesses a sink with hot and cold running water. The costs associated with equipping each living unit with plumbing for the kitchen will not be insignificant. This is an amenity many will not request nor use, as three full meals will be provided by the facility

As a member organization of PANPHA, we have studied each specific section of the proposed regulations. We support their comments. We have particular concern that the proposed regulations might not address the severe insufficiency of the public payment source for low-income Pennsylvanians who need the care provided in an assisted living residence.

We would hope that the legislature's intent in passing the Assisted Living Licensure Act was not only to define the term "assisted living" and gain a sense of "truth in advertising," but also to ensure access to assisted living services to Pennsylvania's seniors. However, the economic ramifications of the proposed regulations appear counter to that effort. While the wealthy would be able to afford the price for the required services, many of the most needy would not. We urge you to thoughtfully re-examine the impact on the elderly.

Our overall opinion of the proposed 2800 regulations is that in many cases, though the intent of some of the regulations may be positive, the reality does not reflect the needs of the population that we serve. We ask that you take another review of the negative impact this proposed regulation will have on the current providers of care for the elderly and on those who use these services.

Members of our management team, representatives from our sponsors -- the Sisters of Saints Cyril and Methodius -- and I are available to meet personally with you to discuss our concerns about this proposed piece of legislation.

Respectfully submitted,



Thomas J. Conlin Jr.  
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