

This document is a comment on the preliminary DRAFT final regulation. On June 24, 2009, the Department of Public Welfare provided a DRAFT final regulation for public review and comment. The DRAFT final can be found at : <http://www.irrc.state.pa.us/Documents/SRCDocuments/Regulations/2712/AGENCY/Document-12700.pdf>.

This is an informal process. The Department will consider these comments in preparation of a formal final regulation to be submitted at a later date.

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*Services also provided at:
Masonic Village at Elizabethtown
Masonic Village at Lafayette Hill
Masonic Village at Sewickley*

2712

A COMMUNITY OF THE MASONIC VILLAGES OF THE GRAND LODGE OF PENNSYLVANIA

September 12, 2008

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 4th Floor
Harrisburg, PA 17101

Dear Mr. Coccodrilli:

My name is Anne Maher, Administrator, Masonic Village at Warminster. The Masonic Village at Warminster is a free-standing nursing and assisted living community offering 28 nursing beds and 34 assisted living beds. We have been a provider of senior services since 1974. Each year we provide approximately \$1.2 million dollars in charitable and un-reimbursed Medicare and Medicaid services to our residents. I am extremely proud of our mission-driven organization, and the good we have done for so many unable to pay for the cost of their care. It is extremely troubling to me that we will now have new, imposed regulations for us to continue to be called assisted living. Over 50% of our residents in assisted living are unable to pay for the cost of their care. This percentage is extremely high as we offer assisted living on a first come, first served basis, for those who need assistance regardless of their ability to pay. We are continually faced with increased costs for providing services. One of my concerns with these regulations is that they are creating unnecessary additional costs for us, which will ultimately limit our ability to continue to offer assisted living services to those unable to pay for the cost of their care.

Proposed regulation 2800.101—Resident Living Units

This is the most troubling of all the regulations, given that we will not be able to participate as an assisted living facility because we do not meet the minimum square footage requirements of at least 175 square feet. Our smallest unit is 156.5 square feet, and all of our assisted living units are private units with the exception of one for use by a married couple. Every other year Holleran Consulting does a survey of our residents to measure their satisfaction with our services. We have never had a complaint regarding the square footage in our assisted living units, and now find it unacceptable that we will be unable to participate in these regulations due to the size of these units. Our units are adequate in serving a senior population, and given the over 50% of our residents being unable to pay for the cost their care, imposing new, higher standard square footage requirements will only limit the amount of available units to those unable to pay for the cost of their care. Although we can provide a microwave and refrigerator for each unit, many of our residents do not want a microwave and refrigerator given our dining room providing three meals each day for our residents, who often do not wish or are incapable of preparing these meals.

2800.105—Bathrooms

We also do not qualify as assisted living under these regulations because each of our single rooms are joined together by one bathroom. This bathroom allows for privacy for every two residents. There is not, however, a bath tub or shower in each living unit, with bathing services readily accessible down the hall.

2800.227—Development of the Support Plan

Each resident requiring services shall have a written support plan that a licensed practical nurse (LPN) under the supervision of a registered nurse (RN) shall review and approve. It is not clinically necessary in the completion of a support plan that an RN supervise this development. Additional unnecessary RN time to provide this costs thousands of dollars for this additional oversight.

2800.225—Initial and Annual Assessment

The initial and annual assessment also requires the administrator or licensed practical nurse to be under the supervision of a registered nurse when completing assessments. This also significantly drives up the cost of care in providing this supervision when it is not clinically necessary.

2800.11—Procedural Requirements For Licensure Or Approval Of Assisted Living Residences

Currently our annual licensing fee for our personal care license is \$20.00. Under the new assisted living regulations it would be \$4,070, which is a 20,300% increase. This is the equivalent of 13% of one nursing assistant's wages.

2800.56—Administrator Staffing

This regulation doubles the number of hours the administrator must be present in the residence and does not account for vacations, holidays, and personal time, instead requiring the administrator's replacement of such hours to have the same training requirements as the administrator. This additional cost for training a second administrator to be available when the primary administrator is off, will cost us several thousand dollars per year since annual hours of training consist of at least 24 Department of Public Welfare approved hours. This is an unreasonable requirement for replacing the administrator during benefit time away from the job.

2800.96—First Aid Kit

It is unreasonable for a first aid kit to include an automatic electronic defibrillation (AED) device in first aid kits throughout the facility as these units should be separate from locations for first aid kits.

2800.131—Fire Extinguishers

Fire extinguishers, when used properly, are a great asset to extinguishing fires in their early stages. Requiring a fire extinguisher be provided in each living unit in assisted living is not practical nor useful for our seniors who, in most cases, are unable to manage an extinguisher on their own. Our procedures require staff to respond quickly and extinguish fires in the early stages if possible.

Thank you for your consideration of my concerns regarding the proposed assisted living licensure regulations.

Sincerely,



Anne Maher

Administrator, Masonic Village at Warminster