

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.





WRC SENIOR SERVICES
Providing Choices for Generations

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Skilled Nursing / Rehabilitation

July 20, 2009

McKinley Health Center
 at Laurelbrooke Landing

Independent Regulatory Review Commission
 333 Market Street, 14th Floor
 Harrisburg, PA 17101

Assisted Living

RE: Proposed Assisted Living Residence Regulatory Package

Edgwood Heights

To Whom It May Concern:

Highland Oaks

Laurelbrooke Assisted Living
 at Laurelbrooke Landing

I am the Director of Personal Care and Assisted Living Services of WRC Senior Services, a not-for-profit organization that offers all levels of care. I have spent most of my career working in long-term care, first as a nurse's aide, then LPN, then Personal Care Administrator for the past 13 years.

Ridgmont Assisted Living

WRC Senior Services operates four assisted living communities in rural Western Pennsylvania. Laurelbrooke Assisted Living is licensed for 50 residents. Highland Oaks is licensed for 59 residents. Edgwood Heights is licensed for 71 residents. Ridgmont is licensed for 54 residents.

Continuing Care Retirement Community

The Laurels

I am writing to submit our comments on the proposed Assisted Living regulations for consideration by the Department. Although we were pleased to see some changes were made, we still have some serious concerns. **The proposed regulations continue to impose significant costs on providers and residents, which will ultimately make the cost of assisted living care too high for many Pennsylvanians to afford.**

Residential Living

North Fork Heights

The Village
 at Laurelbrooke Landing

Currently, 32% of our residents can't pay privately and are receiving care through our charitable care program. As the elderly live longer, outliving their savings, and as the cost of assisted living goes up, this number will grow exponentially.

Home Care

In Home Solutions

In Home Solutions PLUS

Due to the cost of implementing the regulations as they are now, as well as the physical plant requirements, it is unlikely WRC Senior Services and many other providers will be able to apply for assisted living licensure. We respectfully ask for your consideration of our most significant concerns with the proposed regulations:

1) Licensure Fees: Although we recognize and appreciate the Department's changes to the initially proposed fees, the cost is still astronomical in comparison to our current personal care home licensure fees. With 234 residents at our four communities, our



current annual fee is \$110. Under the new regulations, it would be \$17,550!! These vital dollars are now used for resident care. It doesn't make sense for that much money to go to a licensing fee, when it doesn't now.

2) Administrator Requirements: We appreciate the Department's clarification of the language dealing with the administrator requirements. We do have a couple more concerns. The regulations require that an Administrator be in the building 40 hours or more per week. This is more than what is required for a nursing home – which is 36 hours per week. We urge that the same be adopted for assisted living.

In regards to the training course for the administrator, we appreciate that the Department has allowed for an exemption for individuals holding a Nursing Home Administrator license. We ask that the same be done for individuals currently serving as Personal Care Home Administrator, in order to ensure there is an adequate supply of administrators available and to take into account the experience/coursework they have completed.

3) Physical Plant Requirements: Square footage does not enhance the level of care or heighten the dignity of the resident. That is done through the **quality of the care provided**. Instead, these large square footage requirements, which are in the top 10% nationally, will only block access for many low income Pennsylvanians who will be unable to afford it. It also ensures that we and many other providers will be unable to be licensed as assisted living. 80% of our rooms do not meet the minimum square footage requirement.

Our residents have beautiful, comfortable rooms that adequately meet their needs. They are also frequently out of their rooms, involved in activities or socialization in the living areas in our communities.

We ask the Department to make the minimum square footage requirement 125 for existing facilities, and 150 for newly constructed. This is within the mainstream nationally and does not close the market on significant portions of Pennsylvania's geography.

4) Supervision by RN in Assessment and Support Plan Development: An RN is not a clinical necessity to complete an Assessment or Support Plan. This mandate simply increases the cost profile of delivering care. Also, due to the nursing shortage, it is a challenge to recruit RN's for long term care.

5) Discharge of Residents: We need to be permitted to maintain control over the transfer and discharge of our residents as is called for in Act 56 of 2007. Act 56 clearly notes that the residence, through its medical staff and administration, will determine what services it is comfortable having provided on its campus, and when it feels the needs of the resident can no longer be served at that level may initiate a transfer in Section 1057.3(f) and Section 1057.3(h). The regulations at 228(b)(2) contradicts this when it states that we cannot transfer or discharge a resident if the resident or his designated person arranges for the needed services.

6) Dual Licensure: The regulations currently address the issue of dual licensure, but do not frame the process in a manner that would allow the greatest flexibility for providers. We ask that the regulations permit providers to license their facilities by door. This would allow us to license the rooms that do not meet the physical plant requirements for assisted living as personal care rooms.

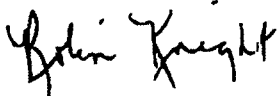
7) Kitchen Capacity: The legislation states that living units shall have “kitchen capacity.” There is no mandate in the statute that anything more than space and electrical outlets to support kitchen appliances be provided. The regulations require that a microwave and refrigerator be in every room. This means the resident will bear the burden of the cost of having this amenity, whether they want the amenity or not.

8) Informed Consent: The standard of “imminent risk of substantial harm” is an inappropriately high threshold before a residence may initiate an informed consent process. No resident should be placed in any risk of harm, regardless of imminence or whether the harm is substantial, due to the actions or behavior of another resident. The same is also true for the employees of a residence. No individual has the right to submit another to a risk of harm, and the threshold set by this language is untenable.

We are a member of PANPHA, an association of more than 370 not-for-profit providers in Pennsylvania. They have submitted to you more detailed comments on specific language in the regulations. We agree with their suggestions, and ask you to please carefully consider them before final regulations are released.

Thank you for your consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink that reads "Robin Knight". The signature is written in a cursive style with a large initial 'R' and 'K'.

Robin Knight, LPN, PCA
Director of Personal Care Services

