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INDEPENDENT REGULATORY
REVIEW COMMISSION

The Honorable John M. Hall
Secretary, Department of Aging
Office of Long Term Living
Bureau of Policy and Strategic Planning
P.O. Box 2675
Harrisburg, PA 17105

RE: Proposed Assisted Living Residence Regulatory Response from
Barnabas Court at Brevillier Village, Erie, PA

Dear Secretary Hall,

I would like to thank you for the opportunity to share my thoughts and concerns in regards to the much anticipated proposed Assisted Living Regulations. I would also like to thank you for attending and presenting at the PANPHA Annual Conference this past June. I participated in the session where you presented with Russ McDaid and a panel of experts in discussing a variety of topics. I certainly appreciated your comments and your willingness to share ideas and information regarding our aging population in Pennsylvania.

In reviewing the most recently published proposed regulations which were distributed for review during the PANPHA conference, I am please to see some of the changes but still disheartened by a few items that were not sufficiently changed to help our facility as well as others participate in the Assisted Living Program as it is written and regulated.

The 45 page document that was submitted by Russ McDaid on behalf of PANPHA members is a very thorough review and commentary and I refer you to those written comments and suggestions. I appreciate Russ and the PANPHA staff taking the time to comprehensively complete this review. Our facility is in agreement with those comments and proposals.

As a facility I do have a list of issues that I feel I need to share with you directly as it may affect us in a way it does not another provider. Our facility has been offering personal care services for over 15 years. In truth we have 2 separate buildings of personal care, a social as well as a medical model. In essence we are probably offering what is defined as personal care services and assisted living without the benefit of a separate title. Our population is 30% subsidized by either SSI payments or in house subsidy that we offer. I must honestly say that the new proposed AL regulations will eliminate our facility from applying for a license for AL. It would punish us for issues beyond our control and would not allow us to participate in a funding source which would benefit our program and allow us to accept more SSI residents and maintain a lower cost for services for those residents who pay privately.

The basic reason is we could not meet all the physical plant requirements as stated. We could squeeze some of our units into meeting the new square footage per living space you proposed but we certainly could not meet the standards for the bathrooms or the kitchen areas. The one building we use for personal care is our vacant Nursing facility which opened when we rebuilt our skilled facility in 1998. This facility leaves few options other than tearing the building down and starting over.

I strongly urge you to consider a grandfather type of clause for existing facilities and make regulations for any new construction. I am not sure how easily this could be accomplished. I hope the Department of Aging would realize that providers have been giving this type of care for a long time and to propose regulations that restrict participation due to existing physical plant issues does not seem fair to the residents presently receiving this care. I am also 100% certain that low income people would be eliminated from receiving this type of care due to unreasonable costs associated with physical plant issues. Elderly citizens receiving these services do not need functional kitchens and some not microwaves as they pose a safety issue due to dementia and confusion which is a common diagnosis in personal care/ assisted living.

The other area of concern for my facility is the licensure fees. Our non profit entity serves a low to middle income population of 300 residents in HUD housing, MA skilled and SSI subsidy. The fees required in the proposed regulations are higher than those I pay for our skilled nursing facility unless you want to count the "Granny Tax" where we lose over \$50,000 each year. Once again this cost would revert back to those paying privately for their care and is another regulation which increases the cost of the service. Why should the residents and facilities carry the burden to fund part of this program which it is what this appears to be!

The Bundling of Core Services, Discharge, and the Informed Consent issues are ones that are not very clear to me and I believe there needs to be further discussion as to how these 2 parts of the proposed regulations would work.

I certainly do appreciate the efforts that were made to look at the issues that were submitted originally to the IRRC such as the Administrator requirements. I want to stress that this ability to have dialogue and discussion around issues prior to final acceptance of the regulations only benefits the residents in the long run. If we can work out the issues and find the ability for compromise it helps everyone. To be honest, what we are experiencing in personal care right now with interpretations of regulations that have changes frequently is frustrating, so making AL the best it can be is very important before regulations are finalized.

I also feel providers need some assurance that if we opt not to participate in Assisted Living licensure that our residents who may be assisted living appropriate will not be asked to leave personal care. Our residents and families at Brevillier Village are very concerned about this. They come to us as we offer a continuum of care. They have the ability to move through out the 3 levels of care. They need to know they are not going to be asked to leave if we do not offer licensed assisted living.

I thank you for this opportunity once again and would certainly be happy to answer any questions you may have about my comments.

Respectfully

Vicky A. Wittuck
Brevillier Village
Vice President of Health Care and
PANPHA Board of Directors Member